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A

MANUAL

FOR THE USE OF THE

OVERSEERS OF THE POOR

IN THE

CITY OF BOSTON.

PREPARED BY A COMMITTEE OF THE BOARD.

BOSTON:
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PREFACE.

The following Manual has been prepared for the use of "The Overseers of the Poor in the City of Boston," by a Committee of that Board. It is not designed as a Treatise on the Poor Laws, nor even to include all such information as might be required by these officers in other cities or towns of the Commonwealth. In this city a portion of the jurisdiction, conferred upon Overseers of the Poor by the general laws, has been transferred to other officers, while, on the other hand, they exercise in Boston certain powers given by special acts, and are charged, in a corporate capacity, with the administration of various Charitable Trusts for the Poor. The purpose of the Committee in the preparation of this Handbook has been simply to furnish such a compilation of the laws, ordinances, instruments, and rules under which the Overseers exercise their powers, and such other information, in regard to practical matters, as they may desire to consult in the performance of their duties.

Some historical and other matter has been added. During the progress of the work, enactments have been made, which will be found at the close of the volume, containing some modifications of statutes previously inserted.

In the preparation of this book the Committee have fallen upon an early example of a similar publication.

"I have met," says Sir George Nicholls, in his History of the English Poor Law, "with a small book, entitled, an 'Ease for Overseers of

the Poor,' printed at Cambridge, in 1601; and, therefore, most likely written before the passing of the 43d of Elizabeth in the same year."

The modest address with which the author submits his work to the reader may not be inappropriate for a similar offering, after the lapse of two hundred and sixty-five years.

"I have set forth this Treatise, not for ambition, as Nimrod did the Tower of Babel, to get a name; nor for vainglory, as Absalom did a pillar, to preserve his name (for which cause I forbear my name), but of mere affection to my native country, to further it. If there be anything omitted, amend it; if there be something worth the following, use it; if it be a little defective, excuse it."

Boston, August 1, 1866.

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* The following additional order has been recently passed:—

ORDERED: That the order, approved December 30, 1864, in relation to private contributions towards the erection of a Central Relief Building for the use of the Overseers of the Poor, be so amended that the city shall provide such a building whenever the sum of $17,000 shall have been raised by private subscription for the purpose and paid into the City Treasury.

[*Approved July* 6, 1866.]

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LAW OF SETTLEMENT.

The support of the poor in Massachusetts was provided for by legislation at an early period. In 1639 it was ordered, "That any shire court, or any two magistrates out of court, shall have power to determine all differences about lawful settling and providing for poor persons, and shall have power to dispose of all unsettled persons into such towns as they shall judge to be most fit for the maintenance and employment of such persons and families for the ease of this country."[1]

Rules to determine the settlement of paupers — that is to say, the town or other organization by which they should be supported — were from time to time established, and provision made for the determination of disputes in reference to this subject. In 1659 it was enacted "that where any person with his family, or in case he hath no family, shall be resident in any town or peculiar of this jurisdiction for more than three months without notice given to such person or persons * * * * that the town is not willing that they should remain as an inhabitant amongst them," or if they remained after such notice, without an application by the selectmen to the next county court for relief, such person or persons should be provided for by that place. The county courts were to determine complaints of this nature, subject to an appeal to the Court of Assistants. If no place was so liable, the pauper was to be supported at the expense of the county by such town thereof as the county court should designate.[2] In 1675 this provision was modified in cases where the sufferers had been "forced from their habitations through the present calamity of the war," and the burden of their

[1] Anc. Chart. 173.

[2] Ibid.

support, "where necessity requires, by reason of inability of relations, &c." was thrown upon "the publick treasury."[1]

As early as 1767 it was provided that the cost of removing poor persons not settled in Massachusetts but in some other province or colony, if not paid by themselves, should be borne by the province;[2] and in 1794, by a general act in regard to the "Relief and support, employment and removal of the Poor," provision was made for the removal of poor persons having no lawful settlement in the State, or their support at the expense of the Commonwealth.[3]

The rules of settlement have varied at different periods, becoming much more complicated and stringent than the simple provision of 1639; but where these have not designated the place obliged to support the pauper, his support, since the act of 1793 at least, has been derived from the Commonwealth.

The interval between 1692 and 1810 has been divided by Mr. Jonathan Leavitt, in a work upon the Pauper Laws of Massachusetts, believed to be generally accurate, into five different periods, viz: (1) between 1692 and 1701, (2) between 1701 and 1767, (3) between 1767 and 1789, (4) between 1789 and 1794, (5) between 1794 and 1810, in all which these rules varied more or less.

In the first period, between 1692 and 1701, a settlement might be gained in five modes.

1. By marriage. — A woman by a valid[4] marriage acquired the settlement of her husband, if he had any within the Commonwealth; if not, she retained the one she had at the time of her marriage.

2. By parentage. — Legitimate children took the settlement of their father, if he had any; if he had none, then that of their mother, if she had any; but did not follow the settlement of a parent after emancipation,[5] unless incompetent to acquire another;[6] and

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[1] Anc. Chart. 174.
[2] Anc. Chart. 663.
[3] St. 1793, c. 59.
[4] 9 Mass. 201; 12 Mass. 363.
[5] 4 Mass. 493; 13 Mass. 469; 3 Pick. 173.
[6] 15 Mass. 237.

the settlement derived from the mother did not change when she acquired a new settlement by marriage during their minority.[1]

The children of slaves derived no settlement from their parents,[2] but when born in this State were free,[3] and would, therefore, it is supposed, have been settled under the third mode, viz: —

3. By birth. — The birthplace of illegitimate children, and, it is supposed, of legitimate children whose parents had no settlement, was the place of their settlement,[4] "unless fraud or lawful restraint should interpose."[5]

4. By slavery. — While slavery was tolerated, the slave had the settlement of his master, and if the master died intestate the slave became the property of his administrator, and acquired the settlement of the latter.[6] But if merely hired as a servant and not held in slavery, he acquired no settlement from the person hiring him.[7] If a slave married a free man or a free woman a slave, it is doubtful whether the wife thus gained a new settlement.[8]

5. By a residence of three months without warning;[9] after which the resident was to be reputed an inhabitant and supported by the town, unless his or her relations, in the line of parents or grandparents, children or grandchildren, were of sufficient ability.

This method was provided by a provincial statute passed in 1692, and called the 4th of William & Mary.[10] It was, however, enacted that it should "not be understood of any persons committed to prison or lawfully restrained in any town, or of

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[1] 16 Mass. 52, 74.

[2] 13 Mass. 547; 10 Cush. 408.

[3] 4 Mass. 129; 16 Mass. 75; 10 Cush. 408.

[4] 8 Cush. 75.

[5] 12 Mass. 432.

[6] 2 Dane Ab. 412; 4 Mass. 123, 539; 14 Mass. 257.

[7] 12 Mass. 400.

[8] 4 Mass. 539. For a provincial act prohibiting the manumission of slaves, until security for their support should be given, &c. see Anc. Chart. 745.

[9] As to the sufficiency and proof of the warning, see 10 Mass. 506; 2 Pick. 436; 18 Pick. 544; 19 Pick. 489.

[10] Anc. Chart. 251.

such as shall come or be sent for nursing or education, or to any physician or surgeon to be healed or cured."

This was the only method, during this period, by which settlements could be gained by persons competent to acquire them in their own right;[1] and persons who were incompetent to gain settlements in their own right could not acquire them by residence in this or any period.[2]

Nor could a pauper at any time acquire a settlement by residence without warning, if that residence was designedly concealed from the town authorities.[3] But a warning to a man "and family" prevented his wife and children from obtaining a settlement.[4]

In the second period, from 1701 to 1767, there were seven ways of gaining a settlement: (1) Marriage; (2) parentage; (3) birth; (4) slavery; (5) twelve months residence without warning.[5] Actual continuous presence during the twelve months was not necessary.[6]

If a man came to dwell in a town, and was warned, and a return thereof was duly made within the year, he could not gain a settlement there by residence; but, if he left, and returned after an absence sufficiently long to acquire a settlement elsewhere, a new warning was necessary to prevent him from acquiring a settlement in that town.[7] A minor married with his father's consent could not acquire a settlement in this mode.[8] But a child born to one who was warned under the statute of 1692 did gain a settlement by a year's residence after his majority without warning.[9] The change from old to new style, in 1752, did not accelerate the majority of any person then born, or the time at which the year would terminate.[10]

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[1] Leavitt, 8.
[2] Leavitt, 7; 4 Mass. 123; 12 Mass. 383; 15 Mass. 203; 10 Pick. 514.
[3] 6 Pick. 1.
[4] 3 Mass. 322. As to the settlement of Indians, see 13 Mass. 547.
[5] Anc. Chart. 362.
[6] 4 Mass. 312; 14 Mass. 363.
[7] 4 Mass. 131.
[8] 15Mass. 203; 10 Pick. 514.
[9] 16 Mass. 454.
[10] 10 Pick. 512.

(6) Approbation of the town.[1] (7) Approbation of the Selectmen.[2]

And, by an explanatory and retrospective act, passed in 1739,[3] it was declared that the approbation of the town must be obtained at a regular meeting, and that of the Selectmen at their meeting, in writing, under their hands, or under the hands of a major part of them.

In the third period, from 1767 to 1789, there were four methods in which a settlement might be gained: (1) Marriage; (2) parentage, an illegitimate child taking and following the settlement of its mother;[4] (3) slavery. But, slavery having been abolished, it is supposed, by the adoption of the constitution of 1780,[5] it would seem to follow that no settlement could be gained by that method after that time. (4) Approbation of the town. This method was provided by an act published March 20, 1767, which enacted: "That, from and after the tenth day of April next, no person whatsoever coming to reside or dwell within any town in this province shall gain an inhabitancy in such town by any length of time he or she may continue there without warning, unless such person shall first have made known his or her desire to the Selectmen thereof, and obtained the approbation of the town, at a general meeting of the inhabitants, for his dwelling there; nor shall any town be obliged to be at charge for the relief and support of any person residing in such town, in case he or she stand in need, that have not been approved as aforesaid, and all such persons as have not been approved as aforesaid, together with their children, whether born before or after their coming to such town, in wedlock or otherwise, shall be liable to be sent or conveyed to the town where they properly belong, by a warrant from a Justice of the Peace, who is hereby empowered, upon application from the Selectmen of the town from which such person or persons

[1] See 10 Pick. 22; 13 Gray, 343, for decisions as to the approbation of the town under another statute. Anc. Chart. 362.

[2] Anc. Chart. 362.

[3] Anc. Chart. 519.

[4] 14 Mass. 382; 8 Cush. 75.

[5] 4 Mass. 123; 18 Pick. 209. And see 13 Mass. 547, 550; 16 Mass. 74.

are to be sent, to issue his warrant accordingly, excepting for such as are apprentices to some inhabitant or inhabitants of such town, who shall not be liable to be sent or conveyed out of any town where they are apprentices till the time of their apprenticeship is expired."[1] Mr. Leavitt states[2] that this was a temporary act, and is said to have expired for a short time, but was soon revived, and continued in force until June 23, 1789. After the passage of this Act, no person could gain a settlement by residence without warning, unless he obtained such approbation.[3] This was the only mode of acquiring a new settlement,[4] and an implied approbation, as by accepting a list of jury-men containing the name of a person who had come to the town to reside was not sufficient.[5]

Nor was a vote by which J. S. and others were "constituted" one of the school districts of the town, evidence of the approbation required by the statute.[6]

Under this statute, no settlement could be acquired by birth, and that method was abrogated.[7]

The fourth period, from 1789 to 1794, appears to have been governed by the act of June 23, 1789,[8] which provided six methods by which a settlement might be acquired by citizens of this State.

(1) By being seised of an estate of freehold of the clear annual income of three pounds (ten dollars), and residing thereon, or within the same town or district, occupying and improving the same, in person, for the space of two whole years.

As to what constituted an estate of freehold under this provision, reference may be had to the decisions noted in the margin of that section of the present law, in which a similar phrase is used.

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[1] Anc. Chart. 663.

[2] Leavitt, 20.

[3] 3 Mass. 436, 440; 4 Mass. 486; 7 Mass. 1; 10 Pick. 514; 13 Gray, 341.

[4] 13 Mass. 550.

[5] 10 Pick. 22.

[6] 13 Gray, 341.

[7] 4 Mass. 135; 13 Mass. 550; 14 Mass. 382; 8 Cush. 75.

[8] St. 1789, c. 14.

A warning would not prevent the acquisition of a settlement in this mode.[1] It was not necessary that the owner should be of full age, or that he should actually and continually reside on the lands, or cultivate and improve them with his own hands, although it was otherwise if the lands were demised, so that the lessee had the occupation.[2] A residence on territory under the actual jurisdiction of this State, although within the rightful jurisdiction of another, which afterwards obtained the actual jurisdiction, on the correction of the boundary line, was sufficient to give a settlement.[3]

It would appear to have been necessary that the estate should be of the income required for each of the two years,[4] although not necessary that that amount should actually have been received yearly;[5] but that it would not be of that value, within the meaning of the statute, if the estate was mortgaged, in fee, to secure a sum, the interest of which, if deducted from the income, reduced it below the amount required.[6]

(2) By residence and payment of a town tax, after the age of twenty-one years, for the term of five years successively.

This method never went into operation, because it was less than five years from the passing of this act to the time of its repeal, which took place on the 11th February, 1794.[7]

(3) By a residence of two successive years without warning. This method never took effect. The term of residence prescribed by this statute was extended to three years by an act passed the 9th of March, 1791,[8] and by an act passed the 6th of March, 1792,[9] was prolonged to four years, and afterwards was further extended to five years, by an act passed the 22d of March, 1793.[10]

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[1] 3 Mass. 436.
[2] 7 Mass. 1.
[3] 6 Cush. 320.
[4] 3 Pick. 198.
[5] 4 Gray, 57.
[6] 6 Mass. 50; 11 Mass. 327. The four cases last cited relate to St. 1793, c. 34, but are referred to as analogous; and reference may be also had to other decisions upon that and the present law.
[7] St. 1793, c. 34, § 1; 4 Mass. 384.
[8] St. 1790, c. 39.
[9] St. 1791, c. 44.
[10] St. 1792, c. 69.

And, before the five years elapsed, all these acts were repealed;[1] so that, since the 10th of April, 1767,[2] there has been no time when a settlement could be gained by residence merely.

(4) By vote of the town, in case such citizen, after the passing of such vote, should reside or dwell in the town.

(5) Marriage.

(6) Parentage. Children born in wedlock, at the time of their birth and afterward, were to be deemed inhabitants of the same town or district with their parents: if otherwise born, to be deemed inhabitants with the mother until they obtained a legal settlement in some other town or district. So that, under this statute, illegitimate children followed the settlement of their mother until they obtained a new settlement of their own, and also followed every new settlement she might gain.[3]

It was provided, however, that no person imprisoned or lawfully detained, coming or being sent for nursing, education, or support, or to learn a trade or mystery, or coming, or being sent, to any physician or surgeon to be cured, should, by remaining any length of time, acquire a settlement in consequence thereof.

The fifth period, from 1794 to 1822,[4] was regulated by the act of February 11, 1794,[5] "ascertaining what shall constitute a legal settlement of any person," which provided eleven ways in which a settlement might be gained.

(1) Marriage.

(2) Parentage. Legitimate children followed and had the settlement of their father, if he had any within the Commonwealth, until they gained one of their own; but, if he had none, they followed and had the settlement of their mother, if she had any. Illegitimate children followed and had the settlement of

[1] St. 1793, c. 34.

[2] Anc. Chart. 663.

[3] 12 Mass. 429; 14 Mass. 382; 13 Pick. 303; 8 Cush. 75.

[4] As there was no change in the law until the act of February 21, 1822, this date is substituted for 1810, when Mr. Leavitt's work was published. And the decisions of the court in regard to those portions which remain unchanged are not noted here, but will be found in the margin of the digest of the present laws.

[5] St. 1793, c. 34.

their mother at the time of their birth, if she then had any in the Commonwealth.

(3) Any person, twenty-one years of age, a citizen of this or any of the United States, having an estate of inheritance or freehold in the town or district where he dwelt and had his home, of the clear yearly income of three pounds (ten dollars),[1] and, taking the profits thereof three years successively, whether he lived thereon or not, thus acquired a settlement in such town or district.

Leasing an estate for one of the three years, in satisfaction of an execution, is taking the rents and profits within this act. And, if the estate be a dower estate, and the rents and profits are taken between the assignment of the dower by the Commissioners and the ratification by the Judge of Probate, this may be reckoned as part of the three years.[2]

(4) Any person, twenty-one years of age, being a citizen of this or any of the United States, having an estate, the principal of which was set at sixty pounds (two hundred dollars), or the income at three pounds twelve shillings (twelve dollars), in the valuation of estates made by the assessors, and, being assessed for the same to State, county, town, or district taxes, for five years successively, in the town or district where he dwelt and had his home, thereby gained a settlement therein.

(5) Any person being chosen, and actually serving one whole year, as Clerk, Treasurer, Selectman, Overseer of the Poor, Assessor, Constable, or Collector of Taxes, in any town or district, thereby gained a settlement therein. The phrase, "one whole year," has been held to mean the period from the time the officer is chosen until a new choice takes place, at the next annual meeting for the choice of town officers.[3]

(6) All settled, ordained ministers of the gospel were to be deemed as legally settled in the towns or districts wherein they were, or might be, settled and ordained.

(7) Any person admitted an inhabitant by any town or district, at any legal meeting, in the warrant for which an article

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[1] See cases before cited, p. 7. [2] 5 Pick. 449. [3] 12 Mass. 262.

should be inserted for that purpose, thereby gained a settlement therein.

(8) All persons, citizens as aforesaid, dwelling and having their homes in any unincorporated place at the time when it was incorporated into a town or district, thereby gained a settlement therein.

(9) Upon division of towns or districts, every person having a legal settlement therein, but, being removed therefrom at the time of such division, and not having gained a legal settlement elsewhere, had his legal settlement in that town or district wherein his former dwelling-place or home happened to fall upon such division.[1] And, when any new town or district was incorporated, composed of a part of one or more old incorporated towns or districts, all persons legally settled in the town or towns, district or districts, of which such new town or district was so composed, and who dwelt and had their homes within the bounds of such new town or district at the time of its incorporation, gained legal settlements in such new town or district.[2] But no person residing in that part of any town or district which, upon such division, was incorporated into a new town or district, having then no legal settlement therein, gained any by force of such incorporation only,[3] nor did such incorporation prevent his gaining a settlement therein within the time and by the means by which he would have gained it there if no such division had been made. Persons then dwelling in the old town, and having a legal settlement there, retained their settlement in that town.

(10) Any minor serving an apprenticeship to any lawful trade, for the space of four years, in any town or district, and actually setting up the same therein within one year after the expiration of said term, being then twenty-one years old, and continuing to carry on the same for the space of five years therein, thereby gained a settlement in such town or district; but such person being hired as a journeyman was not to be considered as setting up a trade.

[1] Previously, such absent persons retained their settlements in the old town. 4 Mass. 278, 384, 676. [2] 4 Mass. 676. [3] 4 Mass. 452, 486.

(11) Any person, being a citizen, as aforesaid, and of the age of twenty-one years, who resided after the act took effect in any town or district within the Commonwealth for the space of ten years together, and paid all State, county, town, or district taxes, duly assessed on such person's poll or estate, for any five years within said time, thereby gained a settlement in such town or district.

The act also provided that every legal settlement, when gained, should continue till lost or defeated by gaining a new one;[1] and, upon gaining such new settlement, all former settlements should be defeated and lost.

In the year 1822,[2] the fourth paragraph of the second section of the act of 1793, last mentioned, was repealed, and it was enacted "that any person, of twenty-one years of age, being a citizen of this or any of the United States, having an estate of inheritance or freehold in any town, district, or city, within this Commonwealth, and living on the same three years successively, shall thereby gain a settlement in the same, so as to entitle him or her to support therein, in case he or she becomes poor, and stands in need of relief."

The Statute of 1845, c. 222 (Gen. Sts. c. 107, § 2), providing that the validity of a marriage shall not be questioned for idiocy or insanity, in the trial of a collateral issue, has been held to exclude evidence which would have been formerly admissible to invalidate, for these causes, a previous marriage, by which it was sought to establish a pauper's settlement, in a suit for expenses incurred after its passage, for his support.[3]

And, under the Statute of 1853, c. 253 (Gen. Sts. c. 91, § 4), "when, after the birth of an illegitimate child, his parents have intermarried or shall intermarry, and his father has acknowledged, or shall after the marriage, acknowledge him as his child, such child shall be considered legitimate to all intents and purposes," and the child takes the father's settle-

[1] 4 Mass. 133. [2] St. 1821, c. 94. [3] 4 Allen, 458.

ment, although this may change that which he has already acquired from his mother at his birth.[1]

In the year 1865 was passed the act relative to military settlements,[2] as they may be called. With these exceptions, the rules governing the fifth period have remained unchanged to the present day, and are now embodied in the General Statutes of the Commonwealth.[3] But they have only determined where the burden of the support of settled paupers should fall, others being supported by the State. And various other provisions have been made in regard to the administration of this relief, or the protection of the community from its necessity.

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[1] 8 Allen, 551.

[2] St. 1865, c. 230.

[3] The laws now in force will be found in a subsequent portion of this volume.

OVERSEERS OF THE POOR.

"The care of the poor, and the relief of their necessities, were committed, at a very early period (Stat. 4 W. & M.), in this Commonwealth, to certain officers annually elected in each town, and called Overseers of the Poor;[2] and, in case any

[1 Anc. Chart. 247.]

[2] Overseers of the Poor were created in England, in 1601, by Stat. 43 Eliz. c. 2.* They were the churchwardens, *ex officio*, and two, three, or four sub-

[* "And, therefore," says Blackstone (1 Comm. 360), "after many other fruitless experiments, by Stat. 43 Eliz. c. 2, Overseers of the Poor were appointed in every parish." But see the "History of the English Poor Law," by Sir George Nicholls, Vol. I. pp. 164, 183, 217. "A good deal," he says, p. 217, "seems to have been expected from the newly-created office of 'Overseer of the Poor.' The appointment of Overseers is first directed by the 14th Elizabeth, cap. 5, but without any duties being specifically assigned to them. In the 18th Elizabeth, cap. 3, the designation is changed to that of 'Collectors and Governors of the Poor,' whose duties are to collect contributions, provide materials, and direct and superintend the employment of the poor in cities and towns. By the 39th Elizabeth, cap. 3, it is directed that the churchwarden in every parish, and four substantial householders, appointed annually at Easter, are to be the 'Overseers of the Poor,' and are to levy the contributions ordered by the justices, and relieve the impotent poor, and raise stocks of materials for setting the able-bodied poor to work, and also to apprentice poor children. The 43d Elizabeth prescribes similar duties, with the important addition that the Overseers are to make and collect the requisite rates for these purposes; but, instead of four substantial householders, it requires 'four, three, or two,' to act with the churchwardens as 'Overseers of the Poor in every parish,' and such is the law at present. We thus see that it took nine-and-twenty years, and successive legislation from the 14th to the 43d of Elizabeth, fully to organize the office, and settle the duties of Overseers of the Poor.

There can be no doubt that the institution of these functionaries has, in various ways, been productive of important results, but, apparently, not greater than was expected from them at the time. I have met with a small book, entitled 'An Ease for Overseers of the Poor,' printed in Cambridge, in 1601, and therefore, most likely written before the passing of the 43d of Elizabeth, in the same year. The subject is most elaborately treated in this work, under twenty-one

town failed to elect such officers, their duties were discharged by the Selectmen. For a small and thinly-settled community, this plan was simple and adequate. The powers which it conferred were very large; and it was intended that they should be parentally exercised. The Overseers, subject to the direction of the town, made such provision for the poor as they deemed best; and in the small towns the poor were not infrequently maintained at private houses, by persons who made

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stantial householders, appointed by two Justices of the County, in each parish. Their duty was to assess and collect the poor-rate, and find relief or employment (generally at the houses) for the parish poor. Until the reign of Henry VIII. the poor depended solely on voluntary charity (as they did in Ireland till the year 1838), and, at the dissolution of the monasteries, something was to be done with the multitude of beggars, who had received alms of them. This was the occasion of the first compulsory poor-law, Stat. 27 Henry VIII. c. 25 (A. D. 1535), which made the helpless poor a charge on the parishes and municipalities, — "so that none go openly begging," — and provided also that every "sturdy vagabond be kept in continual labor," and all poor children be put to service. "A valiant beggar," the statute continues, "or sturdy vagabond, shall at the first time be whipped, and sent to the place where he was born, or last dwelt, for the space of three years, there to get his living; and, if he continue his roguish life, he shall have the upper part of the gristle of his right ear cut off; and if, after that, he be taken wandering in idleness, or does not apply to his labor, or is not in service with any master, he shall be adjudged and executed as a felon." The statute prohibits "any open or common dole," and giving money in alms, "except to the common boxes, and common gatherings in every parish." The statute of Elizabeth, however, is the foundation of the poor-laws; it is humane and salutary; and we borrowed from it, beside the name of Overseers of the Poor, several useful provisions. One function of the Overseers, under that statute, was to find employment for the poor, a part of their duty which, Blackstone says, should go hand in hand with the other, and "is now most shamefully neglected." It is proposed by this Report, in some measure, to restore it, and to bring those who are disposed to give employment to the poor in connection with the Overseers.

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distinct heads. . . . My chief reason for noticing the work, however, is to show that, so early as 1601, the office of Overseer was considered of sufficient importance to warrant the issue of a publication from the University Press of Cambridge, explanatory of the objects and duties of the office, describing the persons most fitting to be appointed, and earnestly urging those who undertook it to labor diligently and conscientiously in fulfilment of what is required from them."]

contracts for this purpose with the towns; and these contracts were sometimes let to the lowest bidder at public auction." [1]

"The ordinary functions of Overseers of the Poor" were "defined by the Statute of 1793, c. 59,[1] which repealed former laws (saving three statutes, one of which, that of January 10, 1789, confirmed Statutes 8 and 9, George II. c. 3, relating to the Boston Almshouse), and left the general legislation on this subject substantially as it has since remained. This statute begins with declaring that every town and district 'shall be holden to relieve and support all poor and indigent persons lawfully settled therein, whenever they shall stand in need thereof;' and to that end authorizes each town or district to vote and raise moneys therefor, and at its annual meeting to choose not exceeding twelve suitable persons dwelling therein to be Overseers of the Poor, and when such are not chosen, the Selectmen shall be Overseers. The second section further provides, 'That said Overseers shall have the care and oversight of all such poor and indigent persons so settled in their respective towns and districts; and shall see that they are suitably relieved, supported, and employed, either in the workhouse or other tenements belonging to such towns or districts, or in such other way and manner as they, at any legal meeting, shall direct, or otherwise, at the discretion of said Overseers, at the cost of such town or district.' The act gives the Overseers authority to bind out poor children, and also to set to work, or to bind out to service, not exceeding one year at a time, such persons, upwards of twenty-one years of age, residing and lawfully settled in the town or district, or who have no settlement in the Commonwealth, whether married or unmarried, 'as are able of body, but have no visible means of support; who live idly, and use and exercise no ordinary or daily lawful trade or business to get their living by; and also all persons who are liable by any law to be sent to the House of Correction.' They are further authorized to take proceedings against houses of ill-fame; to

[1] Report of the Committee on the Organization of the Board of Overseers of the Poor. City Doc. No. 70, 1864, p. 2.

provide for the immediate comfort and relief of distressed strangers, and, if they die, for their burial; and also for the removal to their legal settlement of persons likely to become chargeable to the town.

In the legislation of the seventy years since this statute was passed, some new powers have been conferred on the Overseers; but their main duties and their principal powers remain enacted in the General Statutes, c. 70, in the same words as in the Statute of 1793. They still have 'the care and oversight of all such poor and indigent persons;' and it is still their duty to 'see that they are suitably relieved, supported, and employed, either in the workhouse or almshouse, or in such other manner as the city or town directs, or otherwise at the discretion of said Overseers.' They have still to provide for the immediate relief of strangers, for their removal to their places of settlement, for their burial, if they die, and for binding out poor children. But the power to bind out idle adults has been superseded by provisions more suitable to a populous country. It deserves notice that, while some points in the construction of this statute have been fruitful of litigation, the extent of the powers of the Overseers to relieve the poor does not seem to have been questioned."[1]

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[1] Report on Organization, &c. p. 5.

OVERSEERS OF THE POOR IN BOSTON.

In the town of Boston, the office of an overseer seems to have been one of dignity and importance. The Hon. Josiah Quincy, in his Municipal History of Boston, remarks: "Under the town government the members of the Board of Overseers of the Poor were elected by the votes of the whole body of the inhabitants. They were, consequently, always men of a high general character, known to a majority of the inhabitants, and chosen by them for their integrity, capacity, and adaptation to the service. Among them were always men distinguished for their wealth, their business talents, and charities. The uniformity of this result for many years created that general confidence, which caused them to be chosen as trustees of these eleemosynary funds. .

. . . . . .

There was another element of confidence in the Board of Overseers, under the town, . . . *every vacancy in the board was always, in fact, filled by the nomination of the members of the board themselves.* Hence, the new members were always well qualified for the office and acceptable to the old members remaining as associates. When a vacancy was about to occur, it was the practice of the board to consult together, and to select the individual, whose name was to be inserted in the general ticket with those of the members of the board about to remain. This course was known and acceptable to the inhabitants. The individual thus selected, being always one whose qualities and adaptation were by them well known and approved, he was accordingly uniformly chosen, it is believed, without objection or opposition, during the whole period of the town government.

"This course of proceeding gave that board, under the town,

a fixed and staid character, inviting confidence and sustaining it."[1]

The earliest reference to these officers by name on the records of the town of Boston, occurs on the 9th of March, 1690–91, when the townsmen voted "that Mr. Nathaniell Williams, Mr. Benjamine Walker, Mr. William Coleman, and Mr. Symeon Stoddard be Overseers of the Poore of this Towne, for the yeare ensueing;" and on the day of their election "the foure overseers, together with the Towne Treasur^r^ are desired and apoynted a comittee to drawe vp and present vnto the Generall Court such proposalls as they shall aprehend needfull for the orderinge and improveinge of them to imploy and set the poore aworke."

The act already mentioned (St. 4 W. and M.) was passed by the General Court, on the sixteenth of November, 1692[2] (O. S.). It is entitled "an act for regulating of townships and choice of town officers, and setting forth their power," and provides, among other things, that "the freeholders and other inhabitants of each town, rateable at twenty pounds estate, to one single rate besides the poll, shall sometime in the month of March annually meet and convene together, . . . and by the major vote of such assembly, then and there shall choose three, five, seven, or nine persons, able and discreet, of good conversation, inhabiting within such town, to be Selectmen or Townsmen and Overseers of the Poor, where other persons shall not be particularly chosen to that office (which any town may do as they shall find it necessary and convenient)."

The Selectmen in each town, or Overseers, where such were chosen and specially appointed for that service, were "empowered and ordered to take effectual care that all children, youth, and other persons of able body living within the same town, or precincts thereof, not having estates otherwise to maintain themselves, do not live idly, or mispend their time in loitering, but that they be brought up or employed in some honest calling, which may be profitable to themselves and the publick."

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[1] Quincy's Municipal History of Boston, Appendix, 419 and 420.

[2] Anc. Chart. 247.

The act provides for binding out poor children as apprentices, "a man child until he shall come to the age of twenty-one years, and a woman child to the age of eighteen years, or time of marriage."

In the year 1720, an explanatory act was passed, requiring that the males should be taught to read and write, and the females to read, "as they respectively may be capable," and the Selectmen or Overseers were required also to inquire into the usage of the children bound out, and endeavor to defend them from any wrongs or injuries.[1]

After the passage of the act of 1692, the number of Overseers in Boston varied for some years. In March, 1706 (O. S.), however, and until 1733, seven were chosen, and in the latter year nine.

In May, 1735, an act was passed, entitled "An Act for employing and providing for the poor of the Town of Boston,' (St. 8 & 9, Geo. II. c. 3, Mass. Perpetual Laws, 277), which will be found at length on a subsequent page. This act, among other things, provided for the choice of twelve Overseers, "for twelve several wards respectively, into which the said town is, or shall be, divided," authorized the town to erect a workhouse, to be "under the regulation of the Overseers," and empowered the Overseers to send idle and indigent persons to said house, to bind out children, and warn out intruders. And at a town meeting, held in the morning of the 8th of March, 1735–6, it was "Voted that the Overseers of the Poor be desired to attend this meeting in the afternoon to give their opinion with respect to dividing the town into twelve wards."

They attended accordingly, and "Jacob Wendell, Esq^r., in the name of the Overseers of the Poor, reported to the Town, that 'twas their opinion, it would be much for the service of the said Town, that it be divided into twelve wards, and proposed the military division of the Town to their consideration;" whereupon it was "Voted, that the gentlemen the Overseers of the Poor be a Committee to project a division of the Town into twelve wards, and to make their Report thereof to-morrow, in

[1] Anc. Chart. 429.

order to the Town's proceeding thereon." On the next day Mr. Wendell submitted the following Report: —

"Pursuant to a vote of the Town, of the 8th instant, desiring the Overseers of the Poor to divide the Town into twelve wards, they have accordingly attended that service, and are of opinion that the following division will best serve the same."

After stating the proposed division of the wards, the report is signed by

"JACOB WENDELL,
WILLIAM TYLER,
JEFFERY BEDGOOD,
JOHN HILL,
THOMAS HUBBARD.[1]

"Boston, 9th March, 1735."

Whereupon it was — "Voted, that the Report of the said Committee be accepted — And that the Town of Boston be, and hereby is, divided into twelve Wards or Districts according to the said Report. And that it so remain and continue until the Town shall see cause to alter the same."

"In the year 1772, a Statute was passed by the General Court (12 Geo. III. c. 3), which, — after reciting that many charitably disposed persons have given and bequeathed considerable sums of money and other estate to the poor of the town of Boston, and their use, and that many other persons were well inclined to make charitable donations to the same good purpose; but the Overseers of the Poor of the same town, not being incorporated, the good intentions of those who had made, and those who were inclined to make such charitable donations, had been either wholly frustrated or not carried into full effect, — created the Overseers (for the time being) of the town of Boston a body corporate, and vested in the new Corporation all real and personal property at any time theretofore given, or at any time thereafter to be given to the poor of the town, and for their use; such personal estate not to exceed sixty thousand pounds, lawful money, and such real estate not to exceed, by the year, five hundred pounds.

[1] There were then nine Overseers.

The purpose and effect of this Act (and of the Act of February 3, 1803,) were not to limit the parental authority of the Board annually elected, but to make it, as a corporate body, the sole depositary and almoner of the funds given by private persons for town charities. Thus, the property devised and bequeathed to the poor of Boston, or for their use, passed, not into the Treasury of the Town, but to another Corporation, whose members were, indeed, chosen by its citizens, but whose powers, so far as these donations were concerned, were conferred by the State; and it was doubted whether the new Corporation was subject to the authority of the town in supervising its action, or examining its accounts, as to these private charities.[1] . . . In the year 1712 complaints were made of the Almshouse. Subscriptions were occasionally raised to relieve its inmates; and in 1782, the Overseers reported them to be in want of the necessaries of life; and the keeper of the Almshouse to be greatly in debt from his efforts to assist them. In the year 1821, it contained in one building, persons of all ages and colors, with various vices, misfortunes, and diseases, subjects of an almshouse, a hospital, a lunatic asylum, and a prison. At a town meeting held on the 7th day of May in that year, a committee appointed at a previous meeting, reported by its chairman, the Hon. Josiah Quincy, 'that the accommodations provided for the poor at the Almshouse in Boston are not such as comport with the honor and interest of the town.' They recommended the establishment of a new almshouse, and, to make the change complete, to call it by a new name: the 'House of Industry.' The town adopted their recommendation, instructed the Committee to purchase land and erect buildings; and further, 'particularly to inquire into the general state of the poor within the town, and concerning the operations, effects, modes, and principles of extending relief to the poor, adopted by the various charitable institutions existing in it, and from time to time to report such measures in relation to the whole, or any of the subjects aforesaid, as they may deem it expedient for the town to adopt.' On the third of May, 1822, the Committee

[1] Report on Organization, p. 4.

reported 'that they apprehend that the power of devising rules for the management and discipline of the Institution (the House of Industry) is vested in the Board of Overseers of the Poor, under the Act of 8 and 9, George II. (A. D. 1735.") After a reference to the Board of Overseers, and the Committee jointly, this joint Committee recommended an application to the legislature for an Act authorizing the establishing of a Board of Directors of the House of Industry, which Act was approved February 3, 1823, and gave the Directors like authority and power in using, regulating, and governing said House of Industry as are had and exercised by Overseers of the Poor within this Commonwealth; and they may send such persons to said house, and for such purposes, as Overseers of the Poor are by law authorized to do; and by statute 1826, ch. 111, it was provided that the Directors should 'have and exercise all the powers and perform all the duties relative to paupers, and the binding out of children and other persons committed to said House of Industry for support, as the Overseers of the Poor of the several towns in this Commonwealth now have and exercise in relation to paupers and the binding out of children and other persons.' A controversy soon arose between the Directors of the House of Industry and the Overseers of the Poor, as to their respective authority, and in the year 1825 resolutions were passed by the City Council authorizing the Overseers of the Poor to grant permits for admission to the House of Industry concurrently with its Directors; to visit the House of Industry, inquire into the condition, treatment, and employment of its inmates, and to make representations and suggestions, from time to time, to the City Council touching the same; and placing under the joint control of the Directors and Overseers the vehicle employed to transport the poor. The Hon. William Prescott, Charles Jackson, and Daniel Webster, were subsequently consulted by the City Council; and in conformity with their written opinion, (Quincy's Hist. of Boston, p. 172,) the Council passed three additional resolutions, defining what persons were to be subjects of in-door relief in the House of Industry, and what of out-of-door relief at their own houses, and also

defining the jurisdiction of the rival boards. They were in substance, — 1. That the Overseers of the Poor cause all persons who cannot be removed without danger to life, by reason of accident or illness, to be relieved or supported in the place where they are, until capable of removal, and then to be forthwith removed to the House of Industry. 2. That they may grant partial relief and small supply of necessaries, at their own houses, to those who in their opinion require it, and who may thus be rendered more comfortable than by being wholly supported in a poorhouse. 3. That they see that all poor and indigent persons standing in need of relief, and having their settlement in Boston, other than those named in the two preceding classes, be suitably relieved, supported, and employed in the House of Industry, according to the regulations and under the superintendence of the Directors.

This was the position of the Overseers prior to the late statute. As a Corporation, they held the charitable donations, which exceed $ 100,000,[1] the city exercising no visitatorial power over them. As officers of the city, they exercised the ordinary functions of Overseers, under the statute, excepting that the in-door relief was under the charge of the Directors of Public Institutions, viz: the House of Industry, the House of Correction, and the Lunatic Asylum, into which the Almshouse had been divided: the Overseers having only the concurrent right to admit persons to the House of Industry, and the right to visit it, and make recommendations for its government to the City Council.

The Act of April 2, 1864, made four changes only. It changed the election of the Board from one by wards, for a single year, to one at large by the City Council, for three years, four going out of office annually; it gave the City Council power to remove an Overseer, for cause; it made the Corporation directly accountable to the city; and it prohibited the members of it, and those in their employ, from being interested in any contract, unless the same is authorized by a recorded vote of the Board.[2] "

[1] Amounting Jan. 1, 1866, to $ 177,888.81.

[2] Report on Organization, p. 7.

GENERAL LAWS AND ORDINANCES.

The following Digest of the General Laws and Ordinances at present in force, is taken from the last Revision of the City Ordinances in 1864, to which the subsequent Acts and Ordinances, including the legislation of 1865, and a large number of references to recent and former decisions have been added. The Special Acts, and the Ordinance relating to the Overseers of the Poor of the Town or City of Boston, are then appended in their chronological order.

PAUPERS.[1]

STATUTES.

Support of Paupers by Cities and Towns.

1. Towns to support poor.
2. Powers and duties of Overseers of the poor.
3. Same subject.
4. Certain kindred to support, &c.
5. Superior Court may assess such kindred for past expenses.
6. May also assess for future expenses.
7. Costs, how taxed.
8. Court may order with whom paupers shall live.
9. Proceedings on complaints.
10. Other kindred than those named may be summoned.
11. Court may make new orders.
12. Overseers to provide for immediate relief of strangers, &c.
13. Recovery to establish settlement.
14. Liability when the pauper is removed, &c.
15. Overseers shall support, and in case of decease bury, indigent strangers. Compensation therefor.
16. Towns liable to individuals.
17. Paupers may be removed, &c.
18. Process in case of removals; if a removal is not made or objected to by the town notified, then, &c.
19. Effect of notifications, &c., sent by mail.
20. Penalty for leaving paupers where not settled, &c.
21. Overseers of poor may sell estate of deceased paupers, and apply proceeds to reimburse expenses.
22. Overseers may prosecute, &c.

RETURNS TO BE MADE BY OVERSEERS OF THE POOR, ETC.

23. Overseers, &c., to return to secretary of commonwealth statement respecting paupers.
24. Same subject. Penalty for not making returns.
25. Secretary to furnish blanks annually.
26. Penalty on directors, &c., for not making returns.
27. Secretary to prepare abstract of returns annually.

[1] For decisions upon the meaning of this word, see 11 Pick. 459, 540; 14 Pick. 341; 19 Pick. 473; 1 Met. 572. See also § 89, post.]

28. Strangers, &c., where inquests are held, burial of, by whom paid.

[1. Blanks to be prepared by Secretary of Board of State Charities, for periodical returns by keepers of prisons, &c.
2. Schedule of returns by sheriffs, &c.
3. County Commissioners to furnish sheriff with a return of sums expended for supplies.
4. Penalty for omitting to answer, &c.
5. District Attorney to be notified, and to make complaint, &c.
6. Semi-annual returns as to paupers, &c. to be made to Board. Form of return.
7. Interrogatories to be answered in October, annually.
8. Repeal of St. 1862, c. 220, c. 112, §§ 1, 2, 3, and G. S. inconsistent, &c.]

[STATE ALMSHOUSES.]

29. Cities may send State paupers to State almshouses.
30. May send sick State paupers to Rainsford Island.
31. Lunatics, dangerous, not to be sent to State almshouses. Becoming furious, to be removed to State lunatic hospitals.
32. Idiots having no known settlements may be sent to State almshouses.
33. When almshouses are full, cities, &c. to take charge of State paupers at expense of State. Notice thereof.
34. Cities, &c. liable for support of their paupers in State almshouses.
35. Husband and wife to be supported where she has a settlement.
36. Expense to be paid by State.
37. Discharged convicts may be removed from prison to State almshouses when no settlement is known.
38. If settlement is ascertained, to be removed from almshouse to place of settlement, which place shall refund all expenses.
39. No allowance for State paupers, except, &c.
40. Accounts of cities, &c. against State, how audited, &c.
41. Paupers may be sent out of State, &c.
42. Foreign paupers may be sent where they belong by order of court.
43. State lunatic paupers may be sent where they belong.
44. Overseers to perform duties of superintendent of alien passengers in certain cases.

[1. Persons infected with smallpox, &c. not to be sent to State almshouses. How supported. Notice, &c.
2. Expenses to be reimbursed, &c.
3. Penalty on mayor or overseers for violation of act.]

BASTARD CHILDREN.

45. Who may complain, if the woman refuses or neglects.
46. Who may complain when the woman is in State almshouse, Rainsford, or Deer Island.
47. Complaint not to be settled without consent of Overseers of the poor or other persons.
48. Settlement made by mother and father not to relieve the father from his liability to city, &c.
49. Party charged as the father of child and committed to jail, may take poor debtor's oath.
50. Mother, city, &c. to have remedy against father after taking oath.
51. Certain public officers may compromise prosecutions.

Other provisions of law, *note*.

COMMITMENT, SUPPORT, DISCHARGE, ETC. OF INSANE IN LUNATIC STATE HOSPITALS.

52. Insane persons, how committed. Certificate and statement to be filed, *note*.
53. Notice to be given to mayor.
54. Cases how and where heard by court.
55. Fees of officers.
56. Pauper, insane, may be sent to hospital by Overseers of the poor.
57. Expense of persons having known settlements, by whom paid.
58. Expense of those having no known settlements, by whom paid.
[1. Charge for lunatics in State hospital.
2. Takes effect on passage.]
59. How harmless, incurable insane may be discharged.
60. After discharge and removal may be recommitted.
61. How other insane or idiots may be discharged or removed.
62. Same subject, *and note*.
63. Expense of clothing, burial, &c. by whom paid.
64. Remedy of towns for expense of lunatics committed to hospitals.

APPRENTICES AND SERVANTS.

65. Minors may be bound as apprentices or servants.
66. How bound when under fourteen years.
67. When above fourteen.
68. Overseers of poor may bind.
69. Until what age, and upon what terms.
70. Indenture to be of two parts, &c.
71. One part to be kept for minor.
72. Money, &c. to be for use of apprentice.
73. Parents, selectmen, &c., to inquire into treatment of children.
74. Complaint for misconduct of master or servant may be filed in superior court, &c.
75. Court may discharge apprentice, &c.
76. May award costs.
77. Master liable to action on indenture.
78. By whom action may be brought.
79. Proceedings therein, when brought by overseers.
80. Limitation of action by apprentice.
81. If judgment for plaintiff, court may discharge apprentice.
82. Apprentice absconding may be arrested, &c.
83. Proceedings in such case.
84. Costs therein, of whom recoverable.
85. Apprenticeship discharged by death of master.
86. Mistresses.
87. Common law right.
88. Powers and duties, in whom vested in cities.
[1. Minors not to be bound apprentices, without bonds to and by master. When bound by State, &c. authorities, bond to master may be waived.
2. Bond by master how to be preserved, &c.
3. G. S. c. 111, §§ 18, 19, 20 repealed]

SETTLEMENT OF PAUPERS.

89. Settlements, how acquired.
[1. By married women.
2. By legitimate children.
3. By illegitimate children.
4. By living on freehold estate, &c.
5. By being assessed five successive years, &c.
6. By serving one year in certain town offices.
7. By settled and ordained ministers.
8. By persons admitted inhabitants by vote.
9. By incorporation of an unincorporated place.

10. Where to be upon division or incorporation of town.
11. Acquired by serving apprenticeship four years, &c.
12. By residence and paying taxes.]

90. Provision for persons who have begun to acquire settlements.
91. Settlements to continue until, &c.

[1. Settlement acquired by military or naval service.
2. Town to relieve persons and their families in need who have served in military service, &c. as a part of quota of such town.
3. Act not to apply to persons who have received bounty from more than one town, or who have deserted.]

DEAD BODIES.[1]

92. Overseers of the poor, &c. to permit physicians to take dead bodies in certain cases.
93. Physicians, &c. to give bond on receiving a dead body.
94. Persons having charge of poor-house, &c. to give notice of death.
95. Dead bodies not to be given to physicians if claimed by friends, or if deceased requested to be buried, &c.
96. Violation of sepulture, penalty for.
97. Buying or having dead body for purpose of sale, penalty for.

HOUSE OF INDUSTRY.

98. Directors, nine in number, of house of industry to be chosen; vacancies to be filled. Superintendent and other officers. Powers and duties.
99. Directors may bind out children, and have all the powers of Overseers of the poor relating to paupers.
100. Police Court authorized to sentence to House of Industry rogues, vagabonds, &c.
101. Same.
102. Directors to make reports to City Council; and rules and regulations to be approved by City Council.
103. Directors increased to twelve; vacancies; powers and duties as provided in former acts.
104. Expenses of support of paupers in House of Industry, how recovered.
105. Powers, duties, rights, &c. o directors transferred to Board of Directors for Public Institutions.

FINES.[3]

106. One half of the fines for violating provisions as to livery stables, gunpowder, acting as porter without license, &c. and obstructing streets, &c. to go to the use of the poor.

SALES OF REAL ESTATE BY GUARDIANS.

107. No license to be granted to guardians, except of minors, without approbation of Overseers of the poor.

BOARD OF STATE CHARITIES.

[1. Board of State charities constituted, appointments, &c.
2. General agent, duties, &c.
3. Secretary, duties, and compensation.
4. To have rooms at State house, hold meetings, make rules, investigate and supervise system of

[1] Laws and Ordinances, 1863, p. 286.
[2] Ibid. p. 372.
[3] Ibid. pp. 89, 236, 472, 702.

public charitable institutions, transfer paupers, &c. To have no compensation except for expenses.

5. To prepare and print full report annually.
6. Office of commissioners and superintendent of alien passengers abolished, and duties to be performed by secretary and agent, &c. Compensation.
7. Compensation of general agent. Assistants of secretary and agent may be employed, &c.
8. Secretary and agent to give bonds, &c.
9. Expense of support of State lunatic paupers, how paid, and at what rates.
10. Repeal, &c.
11. When act takes effect.]

STATUTES.

Town to support poor. G. S. 70, § 1. 9 Met. 495.

5 Gray, 28. 6 Gray, 416, 420. 3 Allen, 515. 5 Allen, 576. 7 Allen, 284.

1. Every city and town shall relieve and support all poor and indigent persons lawfully settled therein, whenever they stand in need thereof.[1]

Powers and duties of Overseers of the Poor.

2. The Overseers of the Poor shall have the care and oversight of all such poor and indigent persons so long as they remain in charge of their respective cities or towns,[2] and shall

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[1] *City Solicitor's Office*, Boston, April 14, 1863.

Dear Sir: To your inquiry as to the rights of the Overseers of the Poor in Boston, in the expenditure of moneys appropriated to them by the city, I reply that their duty is to make no expenditure for the use of any person who has not a legal claim upon the city for support or assistance; and no person has such claim to support, either in whole or in part, unless he has a legal settlement in Boston.

If a person not having a legal settlement in Boston falls into distress here, it is the duty of the Overseers to afford him temporary relief at the expense of the town in which he has a settlement, if he has a settlement in this Commonwealth; and if he has no such settlement, then they ought forthwith to take the necessary steps to have him removed to one of the State almshouses.

The relief that may be afforded here to persons not having a settlement in the city, and falling into distress here, is limited to a provision for their necessities, until they can be removed to the towns which are bound to provide for them, or to a State almshouse.

Cities and towns are not empowered to raise or appropriate moneys for the support of paupers not belonging to them, to a greater extent than I have indicated.

Very respectfully,

Your obedient servant,

J. P. HEALY.

[2] As to children of female convicts, see Gen. Sts. c. 178, §§ 29, 30; as to the expense of supporting prisoners, see the same chapter; and, as to certain expenses for discharged convicts, St. 1864, c. 169.

see that they are suitably relieved, supported, and employed, either in the workhouse or almshouse, or in such other manner as the city or town directs, or otherwise at the discretion of said overseers. They may remove to the almshouse such children as are suffering destitution from extreme neglect of dissolute or intemperate parents or guardians.

G. S. 70, § 2. 1 Pick. 26, 123. 20 Pick. 267. 29 Maine, 313. 7 N. H. 298. 7 Allen, 285. 8 Allen, 73.

3. The Overseers of the Poor shall have the same power and authority over persons placed under their care, which directors or masters of workhouses have over persons committed thereto.

Same subject. G. S. 70, § 3.

4. The kindred of such poor persons, in the line or degree of father or grandfather, mother or grandmother, children or grandchildren, by consanguinity, living in this State, and of sufficient ability, shall be bound to support such paupers, in proportion to their respective ability.

Certain kindred to support, &c. Ibid. § 4. 10 Cush. 239. 3 Allen, 515. 6 Allen, 585. 8 Allen, 551.

5. The superior court in the county where any one of such kindred to be charged resides, upon complaint of any city, town, or kindred who shall have been at expense for the relief and support of such pauper, may, on due hearing, assess and apportion upon such of the kindred as they shall find to be of sufficient ability, and, in proportion thereto, such sum as they shall deem reasonable for or towards the support of the pauper to the time of such assessment; and may enforce payment thereof by execution in common form; *provided*, that such assessment shall not extend to any expense for relief afforded more than six months previous to the filing of the complaint.

Superior Court may assess kindred for past expenses. G. S. 70, § 5. 1 Q. 66.* 3 Mass. 436. 5 Mass. 244. 10 Cush. 239. 11 Cush. 24.

6. The court may further assess and apportion upon said kindred such weekly sum as they shall deem sufficient for the future support of the pauper, to be paid quarter-yearly until the further order of court; and upon application from time to time of the city, town, or kindred to whom the same is ordered to be paid, the clerk of said court shall issue and may renew an execution for the arrears of any preceding quarter.

May also assess for future expenses. G. S. 70, § 6.

7. When the court adjudges two or more of the kindred of a pauper to be of sufficient ability to contribute to his support,

Costs, how taxed. Ibid. § 7.

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* Quincy's Massachusetts Reports.

they shall tax no more costs against any one respondent than is occasioned by his default or separate defence.

Court may order with whom pauper shall live. Ibid. § 8.

8. The court may further order with whom of such kindred, that may desire it, such pauper shall live and be relieved, and such time with one, and such time with another, as they shall deem proper, having regard to the comfort of the pauper as well as the convenience of the kindred.

Proceedings on complaints. Ibid. § 9.

9. The complaint made as provided in section five, shall be filed in the clerk's office, and a summons shall be thereupon issued requiring the kindred therein named to appear and answer thereto; which summons shall be directed to any officer qualified to serve civil process between the parties, and served like an original summons, fourteen days at least before the sitting of the court to which it is returnable.

Other kindred than those named may be summoned. Ibid. § 10.

10. Upon suggestion that there are other kindred of ability, not summoned in the original process, they may be summoned, and after due notice, whether they appear or are defaulted, the court may proceed against them in the same manner as if they had been summoned upon the original complaint.

Court may make new orders. Ibid. § 11.

11. The court may take further order from time to time in the premises, upon application of any party interested, and may alter such assessment and apportionment according to circumstances; and upon all such complaints they may award costs to either party as justice requires.

Overseers may provide for immediate relief of strangers, &c. Ibid. § 12. 3 Mass. 436. 4 Mass. 273. 5 Mass. 86, 325, 434. 6 Mass. 501. 8 Mass. 104. G. S. 70, § 12. 10 Mass. 411. 11 Mass. 483, 327. 12 Mass. 262. 307, 316, 355, 452. 13 Mass. 501, 547. 14 Mass. 184, 186. 15 Mass. 248. 16 Mass. 102, 110. 1 Pick. 123, 470. 2 Pick. 341. 4 Pick. 358. 5 Pick. 190. 8 Pick. 388, 563. 10 Pick. 22, 150. 12 Pick. 1. 15 Pick. 19. 17 Pick. 68. 23 Pick. 159. 4 Met. 178, 278, 433. 8 Met. 564. 9 Met. 589. 13 Met. 192. 2 Cush. 52. 1 Gray, 515. 5 Gray, 390. 11 Gray, 107.

12. Said overseers, in their respective places, shall provide for the immediate comfort and relief of all persons residing or found therein, having lawful settlements in other places, when they fall into distress and stand in need of immediate relief, and until they are removed to the places of their lawful settlements; the expenses whereof, incurred within three months next before notice given to the place to be charged, as also of their removal, or burial in case of their decease, may be recovered by the place incurring the same against the place liable therefor, in an action at law, to be instituted within

two years after the cause of action arises, but not otherwise.[1]

5 Allen, 576. 7 Allen, 284. 8 Allen, 73. 13 Gray, 589. 1 Allen, 23. 4 Allen, 574.

13. A recovery in such action shall bar the place against which it shall be had from disputing the settlement of such pauper with the place so recovering, in any future action brought for his support.

Recovery to establish settlement. Ibid. § 13.

14. When a person is supported in a place other than that in which he has his settlement, the place liable for his support shall not be required to pay therefor more than at the rate of one dollar a week; *provided*, that the place so liable shall cause the pauper to be removed within thirty days from the time of receiving legal notice that such support has been furnished.

Liability when pauper is removed, &c. Ibid. § 14. 4 Pick. 45. 7 Pick. 155. 21 Pick. 349. 13 Met. 198. 8 Cush. 371.

15. The overseers of the poor of each place shall also relieve, support, and employ all poor persons residing or found therein, having no lawful settlements within this State, until their removal to a State almshouse, and in case of their decease shall decently bury them; the expense whereof may be recovered of their kindred, if they have any chargeable by law for their support in the manner hereinbefore provided; and if, in case of their burial, the expense thereof is not paid by such kindred, there shall be paid from the treasury of the commonwealth, five dollars for the funeral expenses of each pauper over twelve

Overseers shall support, and, in case of decease, bury indigent strangers. Compensation therefor. G. S. 70, § 15.

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[1] In addition to the statute remedy it has been settled by the supreme court, that when the overseers of the poor relieve the wants of the wife whose husband has a legal settlement in another town, an account lies at common law for the town whose overseers furnished the relief, against the husband, notwithstanding the statute remedy against the town wherein he is settled. *Inhabitants of Hanover* v. *Turner*, 14 Mass. 227, (1817). See, also, *City of New Bedford* v. *Chace*, 5 Gray, 28 (1855), and *Inhabitants of Monson* v. *Williams*, 6 Gray, 416 (1856).

[So if a married woman has been committed as a lunatic to a State lunatic hospital by a judge of probate, the town of her settlement may maintain an action against her husband to recover sums which it has been obliged to pay for her support there, although he is in destitute circumstances. *Brookfield* v. *Allen*, 6 Allen, 585. But a person who needs relief, and receives it from a town is not liable to an action by the town to recover compensation for such relief, although he had property at the time when relief was furnished. *Groveland* v. *Medford*, 1 Allen, 23; *Stow* v. *Sawyer*, 3 Allen, 515.]

G. S. 70, § 15.

years of age, and two dollars and fifty cents for the funeral expenses of each pauper under that age.[1]

Towns liable to individuals. G. S. 70, § 16. 2 Mass. 547, 564. 5 Mass. 244, 328. 15 Mass. 286. 4 Pick. 101. 7 Pick. 333. 10 Pick. 24. 18 Pick. 470. 19 Pick. 473. 20 Pick. 506. 7 Met. 214. 9 Met. 492. 4 Cush. 199. 6 Cush. 399. 10 Cush. 3. 8 Allen, 73. 9 Allen, 134.

16. Every city and town shall be held to pay any expense necessarily incurred for the relief of a pauper therein by any person who is not liable by law for his support, after notice and request made to the overseers thereof, and until provision is made by them.

Paupers may be removed, &c. G. S. 70, § 17. 23 Pick. 156. 4 Met. 433. 13 Met. 199. 8 Mass. 104. 6 Mass. 501. 5 Mass. 86. 5 Allen, 545.

17. The overseers of any place may send a written notification, stating the facts relating to any person actually become chargeable thereto, to one or more of the overseers of the place where his settlement is supposed to be, and requesting them to remove him, which they may do by a written order directed to any person therein designated, who may execute the same.

Process in case of removals. If a removal is not made or objected to by the town notified, then, &c. G. S. 70, § 18. 1 Mass. 459, 518. 4 Mass. 180, 273. 8 Mass. 104. 16 Mass. 426. 17 Mass. 432. 17 Pick. 68. 19 Pick. 159. 23 Pick. 156. 4 Met. 433. 10 Cush. 408. 1 Gray, 515. 9 Allen, 91.

18. If such removal is not effected by the last-mentioned overseers within two months after receiving the notice, they shall within said two months send to one or more of the overseers requesting such removal, a written answer, signed by one or more of them, stating therein their objections to the removal; and, if they fail so to do, the overseers who requested the removal may cause the pauper to be removed to the place of his supposed settlement, by a written order directed to any person therein designated, who may execute the same; and the overseers of the place to which the pauper is so sent shall receive and provide for him; and such place shall be liable for the expenses of his support and removal, to be recovered in an action by the place incurring the same, and shall be barred from contesting the question of settlement with the plaintiffs in such action.

Effect of notifications, &c. sent by mail. G. S. 70, § 19.

19. The notification and answer mentioned in the two preceding sections may be sent by mail; and such notification or answer, directed to the overseers of the poor of the place intended to be notified or answered, postage prepaid, shall be

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[1] For the expense of burying persons who die in prisons, see *Houses of Correction and Jails*, Laws and Ordinances (1863), p. 354, § 59.

For the disposition of the bodies of such persons dying in almshouses, &c. as are required to be buried at the public expense, see *post* §§ 92–95.

deemed a sufficient notice or answer, and shall be considered as delivered to the overseers to whom it is directed, at the time when it is received in the post-office of the place to which it is directed, and in which the overseers reside. G. S. 70, § 19.

20. Whoever brings into and leaves any poor and indigent person in any place in this State, wherein such pauper is not lawfully settled, knowing him to be poor and indigent, and with intent to charge such place with his relief or support, shall forfeit a sum not exceeding one hundred dollars for each offence, to be recovered in an action of tort to the use of such place.[1] Penalty for leaving paupers where not settled, &c. Ibid. § 20. 2 Greenl. 5. 11 Mass. 441. 16 Mass. 393. 1 Pick. 465. 2 Pick. 28. 21 Pick. 83.

21. Upon the death of a pauper, who at the time of his decease is actually chargeable to any place within this State, the overseers of the poor of such place may take possession of all his real and personal property; and, if administration is not taken upon his estate within thirty days after his decease, the overseers may, in their own names, sell and convey so much thereof as may be necessary to repay the expenses incurred for the pauper. If any part of such property is withheld from said overseers, they may, in their own name, sue for and recover possession of the real estate, and shall have the same remedy for the recovery of the personal estate, or its value, that an administrator might have in like case. Overseers of Poor may sell estate of deceased paupers, and apply proceeds to reimburse expenses. G. S. 70, § 21. 6 Pick. 462. 1 Allen, 25. 3 Allen, 515.

22. In all actions and prosecutions founded on the preceding provisions of this chapter, the overseers of the poor of any place, or any person by writing under their hands appointed shall appear, prosecute, or defend the same to final judgment and execution, in behalf of such place. Overseers may prosecute, &c. Ibid. § 22.

RETURNS TO BE MADE BY OVERSEERS OF THE POOR, ETC.

23. The Board of Directors for Public Institutions in the city of Boston, and the overseers of the poor of the other several cities and towns in the Commonwealth, shall, on or Overseers, &c. to return to Secretary of Commonwealth statement

[1] And see G. S. c. 71, §§ 4, 25.

respecting paupers. 1862, 112, § 1.

before the fifteenth day of October in each year, prepare and return to the Secretary of the Commonwealth a statement, under oath, of the number and condition of the paupers in such city or town, as they were during the year ending on the last day of the month preceding, which return shall contain true and correct answers to the following inquiries, namely: —

(1.) What number of persons have been relieved or supported by your town, within and out of the almshouse, during the whole or any part of the year ending September thirtieth?

(2.) What number have received full support in your almshouse during the whole or any part of the year?

(3.) What number, including children, have received full support out of the almshouse during the whole or any portion of the year?

(4.) How many persons have you aided, or assisted with partial support, out of the almshouse?

(5.) What was the number of inmates being fully supported in your almshouse September thirtieth?

(6.) How many persons were being fully supported out of the almshouse?

(7.) How many were receiving partial support out of the almshouse?

(8.) What has been the average number, weekly, during the year, supported in the almshouse?

(9.) What number of the inmates of your almshouse were unable to perform any labor?

(10.) How many supported or relieved in your town within and out of the almshouse, were insane?

(11.) How many insane persons have been supported by your town in the State lunatic hospitals?

(12.) How many have been supported in hospitals out of the State?

(13.) How many supported or relieved in your town within and out of the almshouse were idiots?

(14.) How many idiotic persons have been supported by

your town in the Massachusetts school for idiotic and feeble-minded youth? Pauper returns. 1862, 112, § 1.

(15.) What number of all those supported and relieved were made dependent by intemperance in themselves?

(16.) What number by intemperance in those who ought to have been their supporters?

(17.) Of the whole number relieved and supported, how many had a legal settlement in your town?

(18.) How many were naturalized citizens (of foreign birth)?

(19.) How many were aliens (not naturalized)?

(20.) How many were born in England and Ireland?

(21.) How many State paupers have you sent to the State almshouses?

(22.) Has your town an almshouse?

(23.) What number of acres of land is attached to your almshouse?

(24.) What is the estimated present value of your almshouse property?

1. Value of real estate?
2. Value of personal property?

(25.) What is the average weekly cost of fully supporting a pauper in the almshouse, not including in the estimate of said cost, interest on the value of almshouse, or the income of the farm?

(26.) What has been the average weekly cost of the full support of a pauper out of the almshouse?

(27.) What is the total net amount of expense of supporting and relieving the poor in your town, within and out of the almshouse, including interest on the cost of the establishment.

(28.) What is the estimated value of the labor performed by the poor in your almshouse?

(29.) What number of persons have been provided for under section twenty-five, chapter seventy-one, of the General Statutes?

24. The said directors and overseers shall, at the same time, prepare and return in manner aforesaid, correct statements of all children in such city or town under fourteen years of age Directors, &c. to return statement of pauper children. Ibid. § 2.

who have been fully supported at the public charge during the whole or any part of the year, specifying therein the name, age, and sex of each.

Secretary to furnish blanks. 1862, 112, § 3.

25. The secretary of the commonwealth shall, in the month of September, annually furnish the said board of directors and overseers of the poor with blank forms of returns, which shall contain, in substance, the foregoing interrogatories and requirements.

Penalty for not making return. G. S. 70, § 24. 1862, 112, § 4.

26. If the board of directors for public institutions of the city of Boston, or the overseers of the poor of any other city or town, refuse or neglect to make any of the returns as aforesaid, they shall forfeit a sum not less than fifty nor more than one hundred dollars for each offence; and the secretary of the commonwealth shall forthwith notify the district attorney of the district in which such directors or overseers reside, of such refusal or neglect, and he shall immediately prosecute for the same.

Secretary to prepare abstract of returns. G. S. 70, § 25.

27. The secretary shall, as soon after the fifteenth day of October of each year as practicable, make out an abstract of the returns made to him, together with such explanatory remarks as he deems proper, and cause the same to be printed for the use of the legislature.

Coroner, when to bury the body, &c. Costs, how paid. G. S. 175, § 14.

28. When a coroner takes an inquest upon a view of the dead body of a stranger, or being called for that purpose does not deem it necessary on view of such body that an inquest should be taken, he shall cause the body to be decently buried, unless its dissection has been allowed by lawful authority; and if the coroner certifies that, to the best of his knowledge and belief, the person found dead is a stranger, not belonging to this State, the expenses of burial and of the inquisition, if any is taken, and other necessary expenses, with the coroner's fees, shall be paid from the State treasury. In all other cases the expenses of the burial shall be paid by the town or city where the body is found, and all other expenses by the county.

[An Act concerning returns of Sheriffs, Keepers of Jails and Houses of Correction, and Overseers of the Poor.

St. 1864, c. 307.

Be it enacted, &c. as follows: —

Weekly returns of commitments, &c. to be made. 1864, 307, § 1.

SECT. 1. The secretary of the board of State charities shall furnish from time to time, to the keepers of the several prisons and workhouses throughout the Commonwealth, including the State prison, and the houses of industry, reformation, and correction, in the city of Boston, the following blank schedule for periodical returns, which shall be made weekly, from all prisons where the commitments average ten a week and upwards; monthly from all prisons where the commitments average between two and ten a week; and once in six months from all other prisons.

Admissions.

Registered number; name; color; age; sex; birthplace: parents both Americans; parents both temperate; parents both or either convicts; ever married; intemperate; what education; what property; ever in army or navy; ever in Reform School; when committed; why committed; number of former commitments; when discharged; how discharged; length of sentence; number of days sick; number of times punished in prison.

Discharges.

Registered number; name; when committed; why committed; when discharged; how discharged; time in prison; number of days sick; number of times punished in prison; number remaining by last report; number committed since last report; number discharged; number transferred from other jails, &c.; number transferred to other jails, &c.; number now in confinement.

Annual returns of expenses, &c. to be made. Ibid. § 2.

SECT. 2. The said secretary shall also furnish the sheriffs of the several counties, the board of directors for public institutions for the city of Boston, and the warden of the State prison, with the following blank schedule for annual returns, to be made on the first day of October in each year, and lodged with the said secretary before the fifteenth of October:

1. Names and salaries of every officer employed and paid in and about the prison.

[Name.] [Duty.] [Salary.]

2. Sum expended for provisions. 3. Sum expended for

1864, 307, § 2. clothing. 4. Sum expended for fuel and light. 5. Sum expended for beds and bedding. 6. Sum expended for medicine and medical attendance. 7. Sum expended for instruction of prisoners. 8. Sum allowed to discharged prisoners. 9. Sum allowed to witnesses. 10. Sum expended for all other purposes. 11. Total amount expended. 12. Amount received for labor of prisoners. 13. Nature of instruction given. 14. Number of volumes in the prison library. 15. Number of prisoners vaccinated. 16. Number of persons committed for non-payment of fine and costs. 17. Number of persons who paid fine and costs. 18. Amount received for fines and costs.

County commissioners to make return to sheriff in certain cases. Ibid. § 3.

SECT. 3. The board of county commissioners in any county, when applied to therefor by the sheriff, shall make a return to him on or before the tenth day of October, of the amount expended by them, or with their approval, to provide all necessary supplies for the jails and houses of correction, necessary to enable him to comply with the requirements of the preceding section.

Penalty for neglect to make returns. Ibid. § 4.

SECT. 4. Every sheriff or prison officer who omits to make and transmit, according to the provisions of this act, true answers to the inquiries contained in the schedules, and every director or county commissioner, when his board omits to make and transmit such answers, shall forfeit one hundred dollars.

District attorney to make complaint. Ibid. § 5.

SECT. 5. The secretary, when he finds that a sheriff, county commissioner, or director is liable to a forfeiture under the provisions of this act, shall forthwith notify the district attorney for the district in which such sheriff or director resides, who shall immediately institute a complaint therefor, and the forfeiture recovered shall be applied by the county for the relief of discharged convicts.

Returns of paupers to be made semi-annually. Form of return. Ibid. § 6.

SECT. 6. The board of directors for public institutions and the overseers of the poor in the city of Boston, and the overseers of the poor in the other cities and towns shall, twice in the year, namely, on the first day of March and the first day of October, prepare and return to the secretary of the board of State charities, full answers to the following schedules of questions.

Paupers fully supported.

Registered number; name; color; age; sex; birthplace; naturalized or not; settlement in the town; able to perform labor; intemperate; insane or idiotic; when registered as pauper; where supported; ceased to be supported; average weekly cost. 1864, 307, § 6.

Persons relieved and partially supported.

Registered number; number in family; color; age; sex; birthplace; came into the State; naturalized or not; settlement in the town; intemperate; insane or idiotic; when aided; ceased to be aided; residence when aided; whole amount paid.

Travellers Lodged and Persons sent to the State Almshouse.

Name; date; color; age; sex; height; complexion; sent to State Almshouse.

SECT. 7. During the month of September, the secretary of the board of State charities shall furnish to the officers named in the sixth section, the following schedule of general interrogatories, to be answered by them on the first of October, and returned in the form of a statement under oath to the secretary of the board of State charities, on or before the tenth of October: — Annual return to be made in October. Ibid. § 7.

1. Has your town an almshouse? 2. If not, in what manner are your paupers provided for? 3. If so, how long has it been built; what are its dimensions, number of rooms, and number of windows? 4. How much land is connected with it? 5. What is the estimated value of your almshouse property? (1) Value of real estate? (2) Value of personal property? 6. What sum has been paid during the present year for the superintendence of your almshouse property? 7. What further sum, if any, has been paid by the town for the support of the poor at the almshouse? What sum for the support of the poor out of the almshouse? 8. What is the estimated value of the labor performed by your almshouse poor during the past year? 9. What number of persons have been provided for under

1864, 307, § 7.

section twenty-five, chapter seventy-one, of the General Statutes? 10. How many State paupers have been sent to State Almshouses? 11. What have been the whole number, and what the average number of paupers fully supported at your almshouse during the year? 12. How many of these have been vaccinated?

Repeal of Sts. 1862, c. 112, §§ 1, 2, 3, c. 220, and G. S. inconsistent. Ibid. § 8.

SECT. 8. Chapter two hundred and twenty, and the first, second, and third sections of chapter one hundred and twelve of the acts of eighteen hundred and sixty-two, and also so much of the General Statutes as is inconsistent with this act, are hereby repealed. *Approved May* 14, 1864.]

State Almshouses.

Cities and towns may send State paupers to State almshouses. G. S. 71, § 36.

29. The several cities and towns may at their own expense send to the State almshouses, to be maintained at the public charge, all paupers who may fall into distress therein, not having a settlement within the commonwealth; that is to say, the cities and towns in the counties of Suffolk, Middlesex, and Essex, may send such persons to the State almshouse at Tewksbury; the cities and towns in the counties of Norfolk, Bristol, Plymouth, Barnstable, Nantucket, and Dukes county, to the State almshouse at Bridgewater; and the remaining cities and towns, to the State almshouse at Monson; *provided* that the alien commissioners may direct the mayor of any city, or the overseers of the poor of any town, to send such paupers to either of the State almshouses; and if any place is so directed to send a pauper to a greater distance than would be required by the preceding provisions of this section, the necessary additional expense shall be paid by the State.

Commissioners may allow towns to send sick paupers to hospital. G. S. 71, § 30.

30. The board of alien commissioners[1] may allow any city or town in the State to send sick State paupers to the hospital at Rainsford Island, and such paupers, their kindred, and the places of their settlement, shall be subject to the same liability as if they had been sent to a State almshouse, to be enforced in like manner.

[1] On the first day of October, 1863, the powers belonging to the board of alien commissioners and to the superintendent of alien passengers were transferred to the "Board of State Charities." See Act of 1863, c. 240.

Not to send lunatics who are dangerous. Inmates becoming furiously mad may be sent to State lunatic hospitals. G. S. 71, § 37.

31. No city or town shall send to either almshouse any person who by reason of insanity would be dangerous if at large. And if an inmate of such establishment becomes so insane, the inspectors thereof may apply to the judge of a police court, or any two justices of the peace and of the quorum, in the county in which the institution is situated, who shall have the same power and authority in regard to such application and the commitment of such person to either of the State lunatic hospitals, as judges of probate courts have in regard to lunatics furiously mad; *provided*, that it shall not be necessary to give notice of such application to the officers of any place.

Idiots having no known settlement may be sent to State almshouse. Ibid. § 38.

32. When it is made to appear on application in writing to any two justices of the peace, one of whom shall be of the quorum, or to a police court, that any person having no known settlement in this State is idiotic and ought to be confined, said justices or court shall send such person to the nearest State almshouse, there to be supported, governed, and employed, in the same manner as persons sent thereto by overseers of the poor.

When all State almshouses are full, towns, &c. to take charge of State paupers at expense of State. Notice thereof. Ibid. § 46.

33. When, by reason of all the State almshouses being full, a city or town is unable to obtain admission for a State pauper, such place shall take charge of the pauper until notified by the superintendent to whom application for admission has been made, that the pauper can be received. The superintendent shall give notice by mail when the pauper can be received, having regard in so doing to the priority of applications; and until notice is given, the city or town shall receive payment for the support of the pauper from the treasury of the commonwealth.

Towns liable for support of their paupers in State almshouses. G. S. 71, § 49. 8 Gray, 455.

34. If a pauper having a legal settlement in any place becomes an inmate of either of said almshouses, such place shall be liable to the commonwealth for the expense incurred for him, in like manner as one town is liable to another in like cases; and the same measures shall be adopted by the inspectors, in regard to notifying towns so liable, the removal of the pauper, and the recovery from towns of expenses incurred for him, as are prescribed for towns in like cases.

Husband and wife not to be separated. 1861, 94, § 1.

35. When the operation of any provisions of law in relation to poor and indigent persons might cause a separation of husband and wife, by reason of her having a legal settlement in some place in the commonwealth, he being a State pauper, both parties shall be supported at the place where she has a legal settlement.

Expense to be paid by State. Ibid. § 2. But see § 40. 13 Mass. 501.

36. The expense of thus supporting the person who is such State pauper, shall be paid by the commonwealth, and the accounts therefor shall be audited and allowed by the inspectors of the State almshouse to which such pauper would otherwise belong, reference being had to the expense of supporting such person at the State almshouse, if there committed.

Discharged convict paupers to be removed to almshouses in certain cases. G. S. 71, § 40.

37. When a convict discharged from the State prison or any jail or house of correction, having no settlement in this State known to the warden, keeper, or master thereof, is at the time of his discharge incompetent, by reason of age, infirmity, or disease to support himself by labor, such warden, keeper, or master shall cause him to be removed to one of the State almshouses; the expense of which removal shall be certified to the auditor of the commonwealth, upon whose approval thereof the same shall be paid out of the treasury.[1]

When settlement is discovered in this State, such paupers to be removed to the place, &c. Ibid. § 41.

38. If after such removal it appears to the inspectors of the almshouse to which such discharged convict is removed, that he has a legal settlement in this State, they shall cause him to be removed to the place of his legal settlement, which shall be liable to refund to the commonwealth all expenses incurred in behalf of such convict from the time of his discharge from the State prison, jail, or house of correction; to be recovered by a suit to be instituted by the attorney-general in the name of the commonwealth.

Allowance for State paupers. Ibid. § 56.

39. Nothing shall be allowed from the treasury of the commonwealth to any county, city, or town, for expenses incurred on account of any State pauper, except in cases expressly provided by law.

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[1] Convicts too sick to be removed, are to be taken care of at the prisons until they are able to be sent to the State almshouse. See Gen. Stats. c. 71, § 42.

Accounts of counties, &c. how audited, &c. G. S. 71, § 57. See § 36.

40. All accounts against the commonwealth for allowance to counties, cities, and towns on account of State paupers, shall be rendered to the board of alien commissioners[1] on or before the third Wednesday of January annually; and shall be so made as to include all claims for such charges up to the first day of said January, and if approved by said board, and certified by the auditor of accounts, shall be paid from the treasury of the commonwealth. The commissioners may require such accounts to be accompanied with such statement of particulars and facts, and substantiated by such affidavits as may seem to them proper.

Paupers may be sent out of State. 1860, 83.

41. Any person having received a permit from the overseers of the poor of any city or town to become an inmate of any State almshouse or hospital, and expressing a preference to be sent to any State or place where said pauper may have a legal settlement, or friends willing to support him, the board of alien commissioners[1] shall have power to remove said pauper, previous to his committal to any State institution, if, in their judgment, the interest of the commonwealth and of the pauper will be promoted thereby; *provided*, that no person shall be so removed, unless, in the judgment of said overseers and commissioners, he will become a charge to the State for at least one year; and said commissioners shall return, in their annual report, the names of all persons removed under the provisions of this act, the places whence removed, and the cost of the several removals.

Foreign paupers may be carried where they belong. G. S. 71, § 52.

42. Any justice of the superior court, trial justice, or police court, upon complaint of the overseers of the poor of any place or of a superintendent of alien passengers, in term time or vacation, may by warrant directed to a constable or other person therein designated, cause any pauper not born, nor having a settlement, in this State, who may conveniently be removed, to be conveyed, at the expense of the State, to any other State, or, if not a citizen of the United States, to any place beyond sea where he belongs.

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[1] By the Act of 1863, c. 240, the board of alien commissioners was abolished, October 1, 1863, and all its powers and duties were transferred to a new board to be called the "Board of State Charities." [See this Act at length in a subsequent portion of this volume.]

State lunatic paupers may in same manner be sent home. G. S. 71, § 53.

43. Upon complaint of the trustees of any State lunatic hospital, the county commissioners of a county, the inspectors of a State pauper establishment, or the overseers of the poor of a place, a judge of the probate court shall have the same powers as are given by the preceding section, to cause the removal of State lunatic paupers under their charge to any other State, or beyond sea, where they belong.

Overseers of poor, when to perform duties of superintendent of alien passengers. Ibid. § 24.

44. The overseers of the poor in any place where there is no superintendent of alien passengers, or where such superintendent is unable to perform his duties by reason of absence or ill health, shall perform the duties and exercise the authority of superintendents; and shall in like manner render their accounts to the State treasurer, and pay over the money received, deducting therefrom a reasonable compensation for their services.

St. 1865, 162.

[*An Act concerning the admission of sick persons to the State almshouses.*

Persons infected with small-pox, &c. not to be sent to State almshouses. How cared for, &c. G. S. c. 71. § 36.

1. No city or town authorities shall be allowed to send to either of the State almshouses any person infected with small-pox or other disease dangerous to the public health, nor any other sick person whose health would be endangered by removal, but all such persons, liable to be maintained by the commonwealth, shall be supported during such sickness by the city or town in which they are taken sick, and notice of such sickness shall be given to the board of State charities, who shall have authority to examine the case and order the removal of the patient if they deem expedient.

Expenses reimbursed, &c.

2. The expense incurred by any city or town under the provisions of the first section of this act, after notice shall have been given as therein required, and the bills for said support having been approved by the agent of the board of State charities, shall be reimbursed by the commonwealth to an amount not exceeding at the rate of the average weekly cost of the support of similar patients at the Rainsford Island Hospital.

Penalty on mayor or overseers for violation of act, &c.

3. Any mayor or overseer of the poor who shall knowingly offend against the provisions of the first section of this act, shall be subject to a penalty of not less than fifty or more than one hundred dollars. *Approved April* 27, 1865.]

Bastard Children.

45. If a woman entitled to make a complaint refuses or neglects so to do when requested by an overseer of the poor of the place where she resides or has her settlement, or one of the alien commissioners,[1] the superintendent of a State almshouse or of the hospital at Rainsford Island, or a person authorized by either of them to make the request, or either of her parents, or her guardian, the person so requesting may make the complaint; and when already made, if she refuses or neglects to prosecute the same, either of said persons may prosecute the case to final judgment, for the benefit of the parent, guardian, city, town, or State. In such cases the bond shall be made to the party for whose benefit the complaint is made or prosecuted.

Who may complain, &c., if woman refuses.
G. S. 72, § 2.
3 Allen, 477.
3 Allen, 481.
8 Allen, 334.

46. When a woman is an inmate of either of the State almshouses, a complaint by her or in her behalf, may be made either in the county where she then is, or where she last had her usual place of abode before becoming such inmate, and the warrant shall be returnable in the latter county or the county where the defendant resides. When a complaint is made in the county of Suffolk, by or in behalf of an inmate of the hospital at Rainsford Island or the house of industry at Deer Island, the warrant shall be returnable before the police court of the city of Boston.

If woman is in State almshouse, complaint, where made.
Ibid. § 3.

47. No complaint shall be withdrawn, dismissed, or settled by agreement of the mother and the putative father, without the consent of the overseers of the poor of the city or town in which she has her settlement or residence, or of one of the other officers named in section forty-five, or of her parent or guardian, unless provision is made to the satisfaction of the court, to relieve and indemnify any parent, guardian, city, town, or the State, from all charges that have accrued or may accrue for the maintenance of the child, and for the costs of complaint and prosecution thereof.

Complaint not to be withdrawn, without consent, &c.
Ibid. § 9.
3 Allen, 148.
4 Allen, 59.

48. No settlement made by the mother and father, before or after complaint is made, shall relieve the father from liability to any city or town, or the State, for the support of a bastard child.

Liability for support.
Ibid. § 10.

[1] See note on p. 43.

Party charged as father may take poor debtor's oath.
G. S. 72, § 11.
3 Allen, 151.

49. Whoever has been imprisoned ninety days for having failed to comply with any order of the court, as provided in chapter seventy-two of the General Statutes, shall have the benefit of the laws for the relief of poor prisoners committed on execution; *provided*, that he procures like notification of his intention to take the oath prescribed to poor debtors, to be served upon the clerk of the city or town where the child of which he is the reputed father has its legal settlement, if there is such place in this State, and also upon the complainant, if living, thirty days at least before the time appointed for taking the oath.

Mother, &c., to have remedy, &c.
Ibid. § 12.
32 Maine, 21.

50. The mother of such child and said city or town, or the State respectively, may at all times after the liberation of such prisoner or taking said oath, recover by action of contract any sum of money which ought to have been paid to them respectively by him, in pursuance of such order of court.

Public officers may compromise suits.
1862, 213.

51. Public officers authorized to institute prosecutions and make complaints under the provisions of section forty-five, may with the consent of the mother or of her parent or guardian, compromise the same on receipt of a fixed sum or security for the payment thereof, for the benefit of the city, town, or commonwealth as the case may be, instead of prosecuting the same to final judgment.[1]

COMMITMENT, SUPPORT, DISCHARGE, ETC. OF INSANE IN STATE LUNATIC HOSPITALS.

Insane person, how committed.
1862, 223, § 3.
11 Gray, 107.

52. Any of the judges of the supreme judicial, superior, and probate courts, and, in the city of Boston, of the police court, may commit to either of the State lunatic hospitals, any insane person who, in their opinion, is a proper subject for its treatment or custody. But in all cases, the evidence and certificate of at least two respectable physicians, shall be required to establish the fact of insanity. In all cases the judge shall certify in what place the lunatic resided at the time of his commitment; or if ordered to be confined by any court, the judge shall certify in

[1] For further provisions of law relating to the maintenance of bastard children, see Gen. Stats. c. 72, and Act of 1863, c. 127.

what place the lunatic resided, at the time of the arrest in pursuance of which he was held to answer before such court; and such certificate shall, for the purposes of this act, be conclusive evidence of his residence.[1]

Notice to the mayor, &c. 1862, 223, § 4.

53. Any person applying for the commitment or for the admission of a lunatic to a State lunatic hospital, under the provisions of the Act of eighteen hundred and sixty-two, chapter two hundred and twenty-three, shall first give notice in writing to the mayor, or one or more of the selectmen, of the place where the lunatic resides, of his intention to make such application; and satisfactory evidence that such notice has been given shall be produced to the judge in cases of commitment, and to the trustees upon applications for admission.

Cases how and where heard by court. Ibid. § 6.

54. The judge may hear and determine such applications, in respect to persons alleged to be insane, at such times and places as he may appoint; and the presence of the alleged lunatic at the hearing may be required or dispensed with, in the discretion of the judge; and the court may, in its discretion, issue a warrant to the sheriff or his deputy, directing him to summon a jury of six lawful men, to hear and determine whether the alleged lunatic is insane. Whenever a jury is summoned, pursuant to the provisions of this section, the same proceedings shall be had and the same fees and expenses paid as are provided by the General Statutes, chapter seventy-three, sections twelve, thirteen, fourteen, fifteen, and sixteen.

A jury may be summoned

Fees and expenses.

Fees of officers. Ibid. § 7.

55. Whenever application shall be made to any judge of probate for the commitment of an insane person under the provisions of the Act of eighteen hundred and sixty-two, chapter two hundred and twenty-three, he may allow to the sheriff, deputy-sheriff, or constable, or other person to whom a precept is directed by name, who may serve the same, the same fees as are allowed to officers upon the commitment of persons to prison,

[1] When application is made to a court for the commitment of an insane person to a hospital, there must be filed a certificate of two physicians, that the person is a fit subject to be committed to the hospital, and also a statement of other facts relating to said insane person. See *Lunatic Hospital*, Laws and Ordinances (1863), pp. 334, 335, §§ 15, 16.

and such further sum for expenses incurred in said commitments, or in bringing such lunatic before the judge as to him may seem reasonable; and the sums so allowed shall be certified and paid, as provided in the General Statutes, chapter seventy-three section sixteen.

Pauper insane may be sent to hospital by overseer of the poor. 1862, 223, § 9.

56. Any insane person who is supported by any place as a pauper, may be committed by the overseers of the poor thereof to either of the State lunatic hospitals, with the consent of the trustees, and shall be kept for a sum not exceeding the actual expense of his support. And the trustees shall receive into the hospital any other insane person having a settlement or residence in this commonwealth, for such compensation as they may determine.

Expenses of support of persons having settlements. Ibid. § 10. 16 Pick. 71. 18 Pick. 379. 9 Gray, 32. 13 Gray, 544. 6 Allen, 585.

57. The expenses of the State lunatic hospitals for the support of lunatics having known settlements in this State, shall be paid quarterly, either by the persons obligated to pay, or by the place in which such lunatics had their residence at the time of their commitment, unless other sufficient security is taken to the satisfaction of the trustees for such support. If any place or person refuses to pay whatever sum may be charged and due according to the by-laws of the hospital, on account of the support of such patient therein, or for the removal of any patient whom the trustees are authorized by law to remove, for thirty days after the same has been demanded by the treasurer, in writing, of the mayor and aldermen of the city, or of the selectmen of the town, or of the person liable therefor, the same, with interest from the time of such demand, may be recovered for the use of the hospital in an action to be instituted by the district-attorneys, or other prosecuting officers, in the name of the treasurer, against such delinquent city, town, or person.

Support of those having no known settlements. Ibid. § 11. 16 Pick. 71. 18 Pick. 379. 9 Gray, 32. 13 Gray, 544. 6 Allen, 585.

58. The expenses of the hospitals for the support of lunatics not having known settlements in this State, committed thereto, shall be paid quarterly by the Commonwealth at the same rates charged for city and town pauper lunatics therein, but not to exceed the sum of two dollars and sixty-two cents per week; and the same may afterwards be recovered by the

treasurer of the commonwealth, of the lunatics themselves, if of sufficient ability to pay the same, or of any person or kindred obligated by law to maintain them, or of the place of their settlement if any such is ascertained; and the district-attorneys, or other prosecuting officers, shall institute suits therefor when requested.

[An Act to amend an Act in Relation to State Charitable and Correctional Institutions. St. 1864, c. 138.

1. The ninth section of chapter two hundred and forty of the acts of the year one thousand eight hundred and sixty-three is hereby so amended that the expenses of the lunatic hospitals for the support of the persons therein named to be paid by the commonwealth shall not exceed two dollars and seventy-five cents a week for each lunatic. Rate of charge for lunatics in State hospitals. G. S. 73. 1862, 223, § 11. 1863, 240, § 9. 1864, 288, § 12.

2. This act shall take effect upon its passage. Takes effect on passage.

Approved April 8, 1864.]

59. Any judge of the supreme judicial or superior court, at any term held within and for the county in which either hospital is located, or the judge of the probate court of such county or the trustees of such hospital may on application in writing for the discharge from such hospital of any insane person who has remained there a sufficient time to make it appear that he is incurable and not dangerous to the peace and safety of the community, cause him to be delivered to the agents of any place in which he has a legal settlement, or on which he has a legal claim for support, or to his friends, when it appears that it would not be to his injury, and that he would be comfortably and safely provided for by any parent, kindred, friend, master, or guardian, place or institution. When application has been made to any judge for the discharge of any insane person, any person interested in said discharge may request a trial upon said application by a jury, and the judge before whom the trial is to be held shall issue a warrant to the sheriff of the county, or his deputy, directing him to summon a jury of six lawful men, to hear and How harmless incurable insane may be discharged. 1862, 223, § 14. Jury.

1862, 223, § 14.

determine whether such insane person is incurable, and may be comfortably and safely provided for according to the terms of this section. The proceedings shall be the same in selecting jurors, conducting the trial, and allowing the costs, as are provided in sections twelve, thirteen, fourteen, fifteen and sixteen of chapter seventy-three of the General Statutes.

Summons, expenses, &c.

After removal, if not comfortably supported, &c. may be recommitted. G. S. 73, § 31.

60. If after the discharge of an incurable lunatic under the preceding section, it is made to appear on complaint by any person under oath to the judge of the probate court for the county in which the lunatic has his legal settlement or is placed, that he is not comfortably supported, or that the public safety is endangered by him, said judge shall order his recommitment to said hospital. And the same proceedings may be had in determining these questions by a jury, upon the request of any person interested therein made in writing to said judge, as are provided in the preceding section.

How other insane and idiots may be discharged or removed. Ibid. § 29.

61. Any two trustees of either hospital, or either of the justices of the supreme judicial court or superior court, at any term held within and for the county in which the hospital is located, may, on application in writing for that purpose, discharge from confinement, after the cause of such confinement has ceased, any lunatic committed thereto. The trustees may also remove any idiot or other patient to the place where the judge or court committing him shall certify that he resided, when in their opinion he ceases to be dangerous and is not susceptible of mental improvement by remedial treatment at the hospital, if such place shall not remove him after reasonable notice in writing from the trustees.

Same subject. 1862, 223, § 15.

62. The several judges of probate in the counties where the State lunatic hospitals are located, shall have the same authority at any time to discharge[1] from confinement lunatics committed to the hospitals, as is conferred upon the trustees and the justices of the supreme judicial and superior courts by the preceding section.

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[1] When all the State lunatic hospitals are crowded, trustees may remove a certain class. See *Lunatic Hospital*, Laws and Ordinances (1863), p. 335, § 17.

63. The money and cost of clothing which the trustees of any State lunatic hospital may by law furnish to discharged pauper lunatics, the expense of pursuing such as elope therefrom and of burial of pauper lunatics dying in the hospitals, shall be reimbursed to the trustees by the places of legal settlement of city and town paupers, and by the commonwealth in the case of State paupers.

Expense of clothing, burial, &c. 1862, 223, § 16.

64. Every city and town paying expenses for the support or removal of a lunatic committed to either hospital, shall have like rights and remedies to recover the full amount thereof, with interest and cost, of the place of his settlement, as if such expenses had been incurred in the ordinary support of the lunatic; and the lunatic, if of sufficient ability to pay the same, and any kindred obligated by law to maintain him, shall be liable for all such expenses paid by any city or town in either case.[1]

Remedy of towns for expenses of lunatics committed to hospitals. G. S. 73, § 25. 18 Pick. 379. 9 Cush. 585. 1 Gray, 514. 5 Gray, 390, 393. 11 Gray, 107. 6 Allen, 585.

MASTERS, APPRENTICES, AND SERVANTS.

65. Children under the age of fourteen years may be bound as apprentices or servants until that age; and minors above the age of fourteen years may be bound as apprentices or servants, females to the age of eighteen years or to the time of their marriage within that age, and males to the age of twenty-one years.

Minors may be bound as apprentices or servants. G. S. 111, § 1.

66. Children under the age of fourteen years may be bound by their father, or in case of his death or incompetency, by their mother or legal guardian. If illegitimate, they may be bound by their mother during the lifetime of the putative father as well as after his decease. If they have no parent competent to act, and no guardian, they may with the approbation of the selectmen of the town where they reside, bind themselves. The power of a mother to bind her children shall cease upon her subsequent

How bound when under fourteen years. Ibid. § 2. Q. 67. 2 Mass. 109. 12 Mass. 387, 433.

[1] The 8th, 9th, 10th, 11th, 19th, 20th, 21st, 22d, 23d, 24th, 27th, 28th, and 30th sections of the 73d, and the 15th section of the 171st, and the 17th section of the 172d chapter of the General Statutes, are repealed by Act of 1862, c. 223, in which other provisions relating to the insane are made.

G. S. 111, § 2.

marriage, and shall not be exercised by herself or husband during the continuance of such marriage.

When above fourteen. Ibid. § 3. 5 Cush. 417.

67. Minors above the age of fourteen years may be bound in the same manner, but when bound by their parent or guardian, the minor's consent shall be expressed in the indenture and testified by his signing the same.

Overseers of poor may bind. Ibid. § 4. 7 Greenl. 457. 4 N. H. 139. 2 Pick. 451.

68. A minor child who is, or either of whose parents is, chargeable to a town as having a lawful settlement therein, or supported there at the expense of the State, may be bound as an apprentice or servant by the overseers of the poor.

At what age and upon what terms they may be bound. Ibid. § 5. 5 Pick. 250. 16 Pick. 44.

69. Such children, whether under or above the age of fourteen years, may be so bound, females to the age of eighteen years or to the time of their marriage within that age, and males to the age of twenty-one years; and provision shall be made in the contract for teaching them to read, write, and cipher, and for such other instruction, benefit, and allowance, either within or at the end of the term, as the overseers may deem reasonable.

Indenture to be of two parts, &c. Ibid. § 6.

70. No minor shall be so bound unless by an indenture of two parts, sealed and delivered by both parties; and when made with the approbation of the selectmen, they shall certify such approbation in writing upon each part of the indenture.

One part of indenture to be kept for minor. Ibid. § 7.

71. One part of the indenture shall be kept by the parent or guardian executing it, for the use of the minor; and when made with the approbation of the selectmen or by the overseers of the poor, shall be deposited with the town clerk, and safely kept in his office for the use of the minor.

Money, &c. to be for use of apprentice. Ibid. § 8.

72. All considerations of money or other things paid or allowed by the master upon a contract of service or apprenticeship made in pursuance of the seven preceding sections, shall be paid or secured to the sole use of the minor bound thereby.

Parents, overseers, &c. to inquire into treatment of children. Ibid. § 9.

73. Parents, guardians, selectmen, and overseers, shall inquire into the treatment of all children bound by them respectively, or with their approbation, and of all bound by, or with the approbation of, the predecessors in office of any of them, and defend them from all cruelty, neglect, and breach of contract, on the part of masters.

Complaint for misconduct of master or servant may be filed in Superior Court, &c. G. S. 111, § 10. 2 Pick. 451.

74. Complaints by parents, guardians, selectmen, or overseers, for misconduct or neglect of the master, and by the master, for gross misbehavior, or refusal to do his duty, or wilful neglect thereof on the part of the apprentice or servant, may be filed in the Superior Court in the county where the master resides, setting forth the facts and circumstances of the case. The court shall order notice to the adverse party, and, if the complaint is by the master, to all persons who have covenanted in behalf of the apprentice or servant, and to the selectmen who approved of the indenture, or their successors in office, and shall hear and determine the case with or without a jury, as the allegations of the parties may require.

Court may discharge apprentice, &c. Ibid. § 11. 2 Pick. 451.

75. The court may render a judgment or decree, that the minor be discharged from his apprenticeship or service, or the master from his contract, and the minor thus discharged may be bound out anew.

Court may award costs. Ibid. § 12.

76. Costs may be awarded to the prevailing party, and execution issued therefor; but no costs shall be awarded against selectmen or overseers, unless it appears that the complaint was made without just and reasonable cause. Costs in favor of the master may be recovered of the parent or guardian who executed the indenture, or, if there is no parent or guardian liable therefor, such costs may be recovered in an action against the minor when he arrives at full age.

Master liable to action on indenture. Ibid. § 13.

77. Every master shall be liable to an action on the indenture for the breach of any covenant on his part therein contained. All damages recovered in such action, after deducting the necessary charges in prosecuting the same, shall be the property of the minor, and may be applied and appropriated to his use by the person who recovers the same, and the residue shall be paid to the minor, if a male, at the age of twenty-one years, and if a female, at the age of eighteen years, or at the time of her marriage within that age.

By whom action may be brought. Ibid. § 14.

78. Such action may be brought by the parent or his executors or administrators, the guardian, or any one who succeeds him in that trust, or the overseers or their successors in office; or it may be brought in the name of the minor by his guardian

G. S. 111, § 14. or next friend, as the case requires; or by himself after the expiration of the term of apprenticeship or service.

Proceedings therein when brought by overseers. Ibid. § 15.

79. If the action is brought by the overseers, it shall not abate by the death of any of them, or by their being succeeded in office; but shall proceed in the names of the original plaintiffs, or the survivor of them, or the executors or administrators of the survivor; and the money recovered therein shall be deposited in the city or town treasury, to be applied and disposed of as provided in section seventy-seven.

Limitation of action by apprentice. Ibid. § 16.

80. No such action shall be maintained, unless commenced during the term of apprenticeship or service, or within two years after the expiration thereof.

If judgment for plaintiff, court may discharge apprentice. Ibid. § 17.

81. If judgment in such action is rendered for the plaintiff, the court may upon motion of the plaintiff discharge the minor from his apprenticeship or service, if not already done as before provided, and the minor may be bound out anew.

Apprentice absconding may be arrested, and returned or imprisoned. Ibid. § 18.

82. If an apprentice or servant, bound as aforesaid, unlawfully departs from the service of his master, any police court or justice of the peace, upon complaint on oath made by the master or any one in his behalf, may issue a warrant to apprehend the apprentice or servant, and bring him before the court or justice. If the complaint is supported, the court or justice may order the offender to be returned to his master, or commit him to the jail or house of correction for a term not exceeding twenty days, unless sooner discharged by his master.

Proceedings in such case. Ibid. § 19.

83. The warrant when directed to an officer or other person by name, shall authorize him to convey the offender to the place of residence of the master in any county in the State.

Costs therein, of whom recoverable. Ibid. § 20.

84. All costs incurred in such process against a servant or apprentice, shall be paid in the first instance by the complainant. If the complaint is supported, the costs may be recovered by the master in an action on the indenture, if executed by a parent or guardian, and if recovered against a guardian, he may charge the amount paid by him in his guardianship account. If the indenture was executed by overseers of the poor, or the minor with the approbation of the selectmen, the costs may be recovered in an action against the minor after he arrives at full age.

85. No indenture of apprenticeship or service made in pursuance of this chapter shall bind the minor after the death of his master, but the apprenticeship or service shall be thenceforth discharged, and the minor may be bound out anew. Apprenticeship discharged by death of master. G. S. 111, § 21.

86. All the foregoing provisions shall apply as well to mistresses as to masters. Mistresses. Ibid. § 22.

87. Nothing contained in the preceding sections shall affect the father's right at common law to assign or contract for the services of his children during their minority. Common-law right. Ibid. § 23. 7 Mass. 147. 9 Gray, 381. 1 Mason, 78. 8 Johns. 328. 1 Ashm. 267. 3 B. & A. 586.

88. Everything prescribed in preceding sections to be done by the selectmen of a town shall and may be done by the Mayor and Aldermen of a city; and everything prescribed to be done by the Overseers of the poor of a town shall and may be done by the Overseers of the poor of a city, or the directors of the house of industry, or such other officers as have charge of the poor therein. Powers and duties, in whom invested in cities. Ibid. § 24.

[An Act concerning masters and apprentices. St. 1865, c. 270.

1. No minor shall be bound as an apprentice or servant unless his parent or guardian, or some responsible person in his behalf, shall give a written bond in the sum of two hundred dollars to the master, with condition that the minor shall serve him for the full term of such apprenticeship or service, and that the master shall be held harmless from any loss or damage from the breach of such condition, provided that minor children, who have no parents able to give such bond, may be so bound by giving a bond in such sum as may be agreed upon by and between the master and the parents or guardians of such minor. And the master shall also give bond to the minor, in a like sum, with condition that he shall comply with the conditions of the indenture, and shall not be guilty of any misconduct towards the apprentice or servant, and shall hold the apprentice or servant harmless from any loss or damage by reason of any failure on his part to comply with the terms of the indenture or contract, provided that, whenever minors are bound by State, town, or municipal authorities, or authorized Minors not to be bound apprentices without bonds to and by master, except, &c.

1865, 270, § 1. agents, the bond required to be given to the master may be waived by the parties.

Bond by master, how to be preserved, &c. Ibid. § 2. 2. The bond given by the master shall be kept for the use of the minor by the parent or guardian, and, when there is no parent or guardian, it shall be deposited with the Town Clerk where the master resides, and safely kept in his office for the use of the minor.

G. S. 111, §§ 18, 19, 20, repealed. Ibid. § 3. 3. Sections eighteen, nineteen, and twenty, of chapter one hundred and eleven of the General Statutes are hereby repealed.

Approved May 16, 1865.]

SETTLEMENT OF PAUPERS.

Settlements, how acquired. G. S. 69, § 1. 13 Mass. 547. 15 Mass. 260. 2 Pick. 394. 1 Met. 580. 10 Cush. 517. 89. Legal settlements may be acquired in any city or town, so as to oblige such place to relieve and support the persons acquiring the same, in case they are poor, and stand in need of relief, in the manner following, and not otherwise, namely: —

By married women. 23 Pick. 242. 4 Allen, 458. 9 Mass. 201. 32 N. H. 245. 12 Mass. 363. 1 Pick. 506. 13 Pick. 303. *First.* A married woman shall follow and have the settlement of her husband, if he has any within the State; otherwise her own at the time of marriage, if she then had any, shall not be lost or suspended by the marriage.[1]

By legitimate children. 4 Pick. 174. 7 Pick. 140. 18 Pick. 264. 23 Pick. 245. 12 Met. 37, 38. 8 Cush. 528. 10 Cush. 517. 13 Gray, 341. 4 Allen, 458. 6 Allen, 31. 8 Allen, 551. 37 N. H. 441, 442. 24 Me. 281. 4 Mass. 493. 13 Mass. 469, 472. 15 Mass. 237, 260. 16 Mass. 135. 17 Mass. 398. 1 Pick. 197, 506. 3 Pick. 173. *Second.* Legitimate children shall follow and have the settlement of their father, if he has any within the State, until they gain a settlement of their own; but, if he has none, they shall, in like manner, follow and have the settlement of their mother, if she has any.[2]

[1 Under St. 1845, c. 222, Gen. Sts. c. 107, § 2, the validity of a marriage cannot be questioned on account of insanity or idiocy, in a suit to recover for expenses incurred after its passage in the support of a pauper, whose settlement is sought to be established by a marriage existing before its passage. 4 *Allen*, 458.

[2 Under St. 1853, c. 253, if the parents of illegitimate children marry, and the father acknowledges them as his, they are made legitimate to all intents and purposes, and thereupon take his settlement, although this may change that already acquired by them at birth from the mother. 8 *Allen*, 551.]

Third. Illegitimate children shall follow and have the settlement of their mother at the time of their birth, if she then has any within the State; but neither legitimate nor illegitimate children shall gain a settlement by birth in the place where they may be born, if neither of their parents then has a settlement therein.

By illegitimate children.
G. S. 69, § 1.
12 Mass. 383, 429.
13 Mass. 381.
23 Pick. 242.
8 Cush. 75.
8 Allen, 551.

Fourth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, and having an estate of inheritance or freehold in any place within the State, and living on the same three years successively, shall thereby gain a settlement in such place.

By living on freehold estate.
4 Mass. 384.
11 Mass. 327.
14 Mass. 384.
2 Pick. 29, 536.
16 Pick. 222.
19 Pick. 294.
21 Pick. 233.
3 Met. 165, 428.
5 Met. 350.
13 Met. 192.
4 Cush. 172.
8 Cush. 525.
1 Gray, 619.
13 Gray, 92.
5 Allen, 137.
6 Allen, 431, 477.
9 Allen, 137.

Fifth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, and having an estate the principal of which shall be set at two hundred dollars, or the income at twelve dollars in the valuation of estates made by assessors, and being assessed for the same to State, county, city, or town taxes, for five years successively, in the place where he dwells and has his home, shall thereby gain a settlement therein.

By being assessed.
6 Mass. 50.
11 Mass. 327.
15 Mass. 160, 253.
3 Pick. 198.
22 Pick. 385.
24 Pick. 166.
3 Met. 428.
4 Met. 178.
5 Met. 350.
4 Cush. 557.
11 Cush. 292.
2 Gray, 482.
4 Gray, 282.
4 Allen, 574.
6 Allen, 477.

Sixth. Any person being chosen and actually serving one whole year in the office of clerk, treasurer, selectman, overseer of the poor, assessor, constable, or collector of taxes, in any place shall thereby gain a settlement therein. For this purpose a year shall be considered as including the time between the choice of such officers at one annual meeting and the choice at the next annual meeting, whether more or less than a calendar year.

By serving one year in town offices.
12 Mass. 262.
15 Mass. 523.
1 Pick. 129.

Seventh. Every settled ordained minister of the gospel shall be deemed to have acquired a legal settlement in the place wherein he is or may be settled as a minister.

Settlement acquired by ministers.
4 Cush. 553.
7 Allen, 90.

Eighth. Any person admitted an inhabitant by any place at a legal meeting, held under a warrant containing an article for that purpose, shall thereby acquire a legal settlement therein.

By persons admitted inhabitants by vote.

Ninth. Any citizen of this or any other of the United States, dwelling and having his home in any unincorporated place at the time it is incorporated into a town, shall thereby acquire a legal settlement therein.

By incorporation of an unincorporated place.
4 Mass. 452.
6 Mass. 445.
4 Pick. 357.
6 Met. 484.

Where to be upon division or incorporation of town. G. S. 69, § 1. 4 Mass. 278, 384, 453, 676. 10 Mass. 341. 4 Pick. 117. 13 Pick. 303. 16 Pick. 197. 19 Pick. 426. 6 Met. 484. 4 Cush. 185. 4 Mass. 487. 10 Mass. 342. 1 Allen, 75. 4 Mass. 486. 17 Mass. 398. 4 Pick. 357.

Tenth. Upon the division of a city or town, every person having a legal settlement therein, but being absent at the time of such division and not having acquired a legal settlement elsewhere, shall have his legal settlement in that place wherein his last dwelling-place or home happens to fall upon such division; and when a new city or town is incorporated, composed of a part of one or more incorporated places, every person legally settled in the places of which such new city or town is so composed, and who actually dwells and has his home within the bounds of such new city or town at the time of its incorporation, shall thereby acquire a legal settlement in such new place; *provided*, that no person residing in that part of a place which upon such division shall be incorporated into a new city or town, having then no legal settlement therein, shall acquire any by force of such incorporation only; nor shall such incorporation prevent his acquiring a settlement therein, within the time and by the means by which he would have gained it there if no such division had been made.[1]

By serving apprenticeship four years, &c.

Eleventh. A minor who serves an apprenticeship to a lawful trade for the space of four years in any place, and actually sets up such trade therein within one year after the expiration of said term, being then twenty-one years old, and continues there to carry on the same for five years, shall thereby gain a settlement in such place; but being hired as a journeyman shall not be considered as setting up a trade.

By residence and paying taxes. 5 Mass. 430. 10 Mass. 394. 13 Mass. 460, 462, 502. 15 Mass. 254. 16 Mass. 236. 2 Pick. 535. 7 Pick. 42. 8 Pick. 408. 10 Pick. 378. 12 Pick. 1. 19 Pick. 389, 480. 20 Pick. 345. 3 Met. 428. 10 Met. 115.

Twelfth. Any person of the age of twenty-one years, being a citizen of this or any other of the United States, who resides in any place within this State for ten years together, and pays all State, county, city, or town taxes, duly assessed on his

[1 Where part of one existing town is by special statute annexed to another existing town, the inhabitants actually dwelling or having a home in the part annexed, will acquire a settlement in the town to which they are annexed. 7 Mass. 156, 14 Mass. 253, 15 Mass. 248, 1 Pick. 144, 19 Pick. 426.

As to agreements between towns, and for other decisions relating to the effect of acts of incorporation, &c., see 6 Mass. 501, 14 Mass. 253, 15 Mass. 254, 257, 260, 261, 16 Mass. 48, 58, 112, 2 Pick. 572 9 Pick. 55, 16 Pick. 197, 24 Pick. 164, 1 Met. 383, 4 Met. 570, 10 Met. 208, 4 Cush. 185, 10 Cush. 517.]

poll or estate for any five years within said time, shall thereby gain a settlement in such place.

G. S. 69, § 1. 12 Met. 35. 4 Cush. 190, 538, 557. 13 Gray, 586. 4 Allen, 571. 6 Allen, 508. 12 Pick. 1.

90. No person who had begun to acquire a settlement by the laws in force at and before the time[1] when the preceding section took effect, in any of the ways in which any time is prescribed for a residence, or for the continuance or succession of any other act, shall be prevented or delayed by the provisions of the preceding section; but he shall acquire a settlement by a continuance or succession of the same residence or other act in the same time and manner as if the former laws had continued in force.

Provisions for persons who have begun to acquire settlements. Ibid. § 2.

91. Every legal settlement shall continue till it is lost or defeated by acquiring a new one within this State, and upon acquiring such new settlement all former settlements shall be defeated and lost.

Settlement to continue until, &c. Ibid. § 3. 4 Mass. 133. 6 Mass. 501. 9 Mass. 201. 10 Mass. 413. 11 Mass. 441. 12 Mass. 363. 15 Mass. 257. 2 Pick. 28, 572. 9 Pick. 55. 24 Pick. 164. 13 Met. 192. 6 Cush. 61, 320. 13 Gray, 589.

[An Act relating to the settlement and relief of persons who have served in the Army and Navy of the United States. St. 1865, c. 230.

1. Any person who shall have been duly enlisted and mustered into the military or naval service of the United States, as a part of the quota of any city or town in this Commonwealth, under any call of the President of the United States, during the recent civil war, and who shall have continued in such service for a term not less than one year, or who shall have died or become disabled from wounds or disease received or contracted while engaged in such service, or while a prisoner in the hands of the enemy, and the wife or widow and minor children of such person, shall be deemed thereby to have acquired a settlement in such city or town; and all the rights, duties and liabilities pertaining to such settlement, as set forth in chapters sixty-nine and seventy and in section forty-nine of chapters seventy-one of the General Statutes, shall attach thereto, provided such person was, at the time of his enlistment, of the age of twenty-one years, an inhabitant of said city or town,

Settlement, how acquired by military or naval service. Ibid. § 1. G. S. c. 69, 70. G. S. c. 71, § 49.

[1] June 1, 1860, when the General Statutes began to be in force.

and had resided therein for six months next previous to the time of his being mustered into said service.

Town to furnish relief to persons and their families in need who have served in military service as part of quota of such town. 1865, 230, § 2. G. S. 69, 70. G. S. 71, § 36.

2. Any person enlisted, mustered and serving as a part of the quota of any city or town as set forth in the first section of this act, but who shall not be entitled to a settlement therein by reason of the want of age or residence required by said section, shall, nevertheless, be entitled for himself, his wife or widow, and minor children, to relief and support in such city or town, if at any time they should fall into distress therein, or stand in need of such relief or support; and such city or town shall not send such person, nor his wife or widow, nor his minor children, to any State almshouse nor remove them to any other place nor recover the expenses of their relief or support from any other city or town nor receive the same from the Commonwealth; and if any city or town shall cause any such person, so entitled to relief therein, to be sent to any State almshouse or removed to any other place, such city or town shall be liable in an action of tort for all expenses of their relief and support thereafter incurred in such almshouse or by any other city or town.

But otherwise than as above provided, said city or town shall not be liable to any other city or town, nor to the Commonwealth, for the expenses of any relief or support furnished to such person, or to his wife, widow or minor children, in such other place, or in any State almshouse.

Act not to apply to persons who have received bounty from more than one town, unless, &c. or who have deserted. 1865, 230, § 3.

3. The provisions of this act shall not apply to any person who shall have enlisted and received a bounty for such enlistment, in more than one town, unless the second enlistment was made after an honorable discharge from the first term of service, nor to any person who shall have been guilty of wilful desertion, or who shall have left the service otherwise than by reason of disability or an honorable discharge.

Approved May 13, 1865.]

DEAD BODIES.[1]

Overseers of poor, &c. to

92. The Overseers of the Poor of a town, the mayor and

[1] Laws and Ordinances (1863), p. 301.

aldermen of a city, and the inspectors and superintendent of a State almshouse, may, to any physician or surgeon, upon his request, give permission to take the bodies of such persons dying in such town, city, or almshouse, as are required to be buried at the public expense, to be by him used within the State for the advancement of anatomical science; preference being given to medical schools established by law, for their use in the instruction of students.

give dead bodies to physicians in certain cases. G. S. 27, § 1.

93. Every physician or surgeon, before receiving any such dead body, shall give to the board of officers surrendering the same to him a sufficient bond that each body shall be used only for the promotion of anatomical science within this State, and so as in no event to outrage the public feeling; and that, after having been so used, the remains thereof shall be decently buried.

Physicians, &c. to give bond on receiving a dead body. Ibid. § 2.

94. Persons having charge of a poorhouse, workhouse, or house of industry, in which a person required to be buried at the public expense dies, shall forthwith give notice of such death to the Overseers of the Poor of the town or to the mayor and aldermen of the city in which such death occurs; and except in case of necessity, the body of such person shall not be buried until such notice is given, and permission therefor granted by such overseers or mayor and aldermen; nor without their permission shall the body be surrendered for dissection or mutilation.

Persons having charge of poorhouses, &c. to give notice of death. Ibid. § 3.

95. If the deceased person during his last sickness, of his own accord, requested to be buried, or if, within twenty-four hours after his death, any person, claiming to be, and satisfying the proper authorities that he is a friend or of kindred to the deceased, asks to have the body buried, or if such deceased person was a stranger or traveller, who suddenly died, the body shall not be so surrendered, but shall be buried.

When dead bodies are not to be given to physicians, &c. Ibid. § 4.

96. Whoever not being authorized by the Board of Health, Overseers of the Poor, directors of a workhouse, selectmen, or mayor and aldermen of any city or town, by the Board of Directors for Public Institutions, Overseers of the Poor of the city of Boston, wilfully digs up, disinters, removes, or conveys

Violation of sepulture, penalty for. G. S. 165, § 37. 10 Pick. 37. 19 Pick. 304.

G. S. 165, § 37.

away, any human body, or the remains thereof, or knowingly aids in such disinterment, removal, or conveying away, and whoever is accessory thereto, either before or after the fact, shall be punished by imprisonment in the State Prison not exceeding one year, or in the jail not exceeding two years, or by fine not exceeding two thousand dollars.

Buying or having dead body for the purpose of sale, &c. penalty for. Ibid. § 38.

97. Whoever buys, sells, or has in his possession for the purpose of buying or selling, or trafficking in, the dead body of any human being, shall be punished by fine of not less than fifty nor exceeding five hundred dollars, or by imprisonment in the jail not less than three months, nor exceeding three years.

HOUSE OF INDUSTRY.[1]

Directors of house of industry to be chosen: their powers and duties. 1822, 56, §§ 1, 2.

98. The house of industry that was located in that part of the city called South Boston, was completed in 1822;[2] and by a special act of the legislature, passed February 3, 1823, the city council were authorized to choose nine directors of the house of industry, who "should have and exercise the like authority and power in using, regulating, and governing said house of industry as are had and exercised by overseers of the poor within this commonwealth, and may send such persons to said house and for such purposes as overseers of the poor are by law authorized to do."[3]

Powers and duties of the directors as to binding out children. 1826, c. 111.

99. By an act passed March 5, 1827, it was further provided that the directors of the house of industry in the city of Boston should have and exercise all the powers and perform all the duties relative to paupers, and the binding out of children and other persons committed to said house of industry for support, as the Overseers of the Poor of the several towns in this

[1] Laws and ordinances (1863), p. 372.

[2] The house of industry was removed from South Boston to Deer Island, in November, 1853.

[3] For the general powers and duties of overseers of the poor relating to the support of paupers and the binding out of children, see *Paupers, ante*, p. 24. For their powers in the city of Boston, and their duties as a corporate body to hold and manage trust funds, see the Statutes and Ordinance relating to the overseers of the poor of said city, *post*. See also Gen. Sts. cc. 70, 111.

Commonwealth had and exercised in relation to paupers and the binding out of children and other persons under and by virtue of the several laws of this Commonwealth; and all acts of said directors should impose the same duties, liabilities, and obligations in all judicial tribunals, on the city of Boston aforesaid, and on the several towns and individuals of this Commonwealth as the same acts would impose if done and performed in the same manner by the overseers of the poor of the several towns in this Commonwealth.[1] 1826, 111.

100. By the act of February 3, 1823, before mentioned in section ninety-eight, it was provided that the justices of the police court in the city of Boston should have and exercise the like authority and power, in ordering commitments to said house of industry, as were vested in justices of the peace as to commitments to houses of correction, according to the provisions of "An act for suppressing and punishing rogues, vagabonds, common beggars, and other idle, disorderly, and lewd persons," passed March 26, 1788.[2] Police court may commit to house of industry. 1822, 56, § 3. 1787, 54, § 1.

101. An act passed April 4, 1860, concerning imprisonment in the county of Suffolk, provides that in all cases in which the police court of the city of Boston is authorized to sentence to imprisonment in the house of correction or county jail, or commitment thereto for non-payment of fine and costs, said court may instead, at their discretion, sentence to imprisonment in the house of industry for the city of Boston, or commitment thereto. Police court further authorized to sentence to house of industry. 1860, 199.

102. The directors were required to make an annual report to the city council of the inmates and the expenses, and that the rules and orders for the governing and managing the house of industry should be approved by the city council. Directors to make reports. Rules to be approved by city council. 1822, 56, §§ 4,5,6.

103. By an act passed March 16, 1833, the city council were empowered, whenever they deemed it expedient, to appoint, by concurrent ballot in each board, a sufficient number of per- Directors of the house of industry to be chosen. 1833, 126, § 1.

[1] See note 3 on preceding page.

[2] For the authority of the justices of the several courts to commit offenders to the house of industry, see *Houses of Correction and Jails.* Laws and Ordinances (1863), p. 336.

1833, 126, § 1. sons, not exceeding twelve,[1] a majority of whom should constitute a quorum for the transaction of business, to be directors of the house of industry in the said city, who should hold their office for the term of one year, and until others were appointed in their place; and said city council were further empowered,

Vacancies to be filled. Ibid. § 4. in like manner to fill all vacancies which might occur in said board of directors during the year for which it was appointed.

Superintendent and other officers. And said directors might appoint a superintendent, and any other officers necessary for the government of said house, and should have all the powers, and be subject to all the duties prescribed to said board by virtue of the several acts to which it was in addition.

Recovery of expenses for the support of paupers. 1824, 28, § 1. 1 Allen, 25. 104. By an act passed June 12, 1824, it was provided that the city of Boston should be entitled to the same remedies in order to recover the expenses of supporting any poor person maintained in the house of industry of said city that towns in this Commonwealth were entitled to for the recovery of the expenses of persons for whom support or relief was provided by overseers of the poor, or under their direction.[2]

Powers duties, &c., transferred to new board of directors. 1857, 35, §§ 1–10. 105. The provisions contained in sections ninety-eight and one hundred and three, relating to the choice of directors for the management of the house of industry, and the provisions in section one hundred and two, relating to reports of the directors and rules and orders, are superseded by other provisions contained in an act passed March 28, 1857,[3] whereby all the public institutions in the city of Boston, viz: the houses

[1] The act of 1822, c. 56, limited the number of directors to nine. See § 98 in the text. Laws and Ordinances (1863), pp. 367–369, §§ 107–113.

[2] For the recovery of expenses for support of paupers, see *Paupers*, *ante*, p. 24. In case inmates of the house of industry die, for the notice to be given and the disposition of the bodies, see *ante*, §§ 92–97.

[3] For the Act of March 28, 1857, c. 35, and another Act relating to the public institutions, passed March 27, 1858, c. 112, see *Houses of Correction and Jails*, Laws and Ordinances (1863), pp. 367–369, §§ 107–113.

For the Ordinance of the city relating to the public institutions, see Laws and Ordinances (1863), pp. 369–372.

For matters relating to the house of reformation and lunatic hospital, see *House of Reformation*, Laws and Ordinances (1863), p. 376, and *Lunatic Hospital*, p. 329.

of industry and reformation, the lunatic hospital, and the house of correction for the county of Suffolk, were placed under the control of one board, to be styled "The Board of Directors for Public Institutions," and to have all the authority and powers, and to be subject to all the duties now conferred and imposed by virtue of existing statutes, respectively, upon the directors of the houses of industry and reformation and the overseers of the house of correction, together with such other powers and duties in connection with the lunatic hospital as the city council may provide.

Their powers and duties. 1857, 35, § 1-10.

FINES.

106. One half of the fines, for livery stables within one hundred and seventy feet of a church (St. 1810, c. 124, § 2); for keeping or selling gunpowder, &c. contrary to law, when an engineer of the fire department is a witness on the trial of the prosecution (St. 1837, c. 99, §§ 1 and 2); for acting as a porter without license (St. 1741, §§ 2 and 3); and for obstructing streets, &c. (St. 1799, c. 31, § 8) goes to the use of the poor.[1]

Fines to the use of the poor. 1810, 124, § 2. 1837, 99, §§ 1, 2. 1741, §§ 2, 3. 1799, 31, § 8.

SALES OF LAND BY GUARDIANS.

107. No license shall be granted to a guardian except in case of minors, unless the Overseers of the Poor of the place where the ward is an inhabitant or resides certify in writing their approbation thereof.

When Overseers of Poor to assent. G. S. 102, § 38.

[An Act in relation to State charitable and correctional institutions.

St. 1863, c. 240.

1. The Governor, with the advice and consent of the council, shall appoint five persons who, together with the general agent and secretary hereinafter mentioned, shall constitute the board of State charities. One of the persons so appointed shall hold office for one year; one of them for two years and one for three years; one for four years and one for five years

Board of State charities constituted. Appointments, &c. 1863, 240, § 1. G. S. c. 71.

[1] Laws and Ordinances (1863), pp. 89, 236, 472, 702.

unless sooner removed. Appointments to fill vacancies, caused by death, resignation or removal before the expiration of terms, may be made for the residue of such terms by the Governor and council; and all appointments to fill vacancies caused by expiration of terms shall be made in the same manner.

General agent, duties, &c. 1863, 240, § 2. G. S. c. 71, 72, 73.

2. The Governor, with the advice and consent of the council, shall appoint some suitable person as general agent of State charities, who shall hold his office for three years, unless sooner removed. He shall be a member of the board of State charities, *ex officio*, and shall, subject to the control and direction of the said board, oversee and conduct its out-door business, especially the examination of paupers and lunatics, to ascertain their places of settlement and means of support, or who may be responsible therefor; the removal of paupers and lunatics to their usual homes; the prosecution of cases of settlement and bastardy; the collection of emigrant head-money; and the bonding of suspicious persons; and all and singular the duties now devolved by law upon the superintendent of alien passengers for the city of Boston.

Secretary duties, &c. 1863, 240, § 3. G. S. c. 21, 71. 1862, c. 112.

3. The Governor, with the advice and consent of the council, shall appoint some suitable person to be secretary of the board of State charities. He shall hold his office three years, unless sooner removed. He shall keep an accurate record of the proceedings of the board and shall perform such clerical service as they may require. He shall, under the direction and control of the board, examine the returns of the several cities and towns in relation to the support of paupers therein, and in relation to births, deaths and marriages, and he shall prepare a series of interrogatories to the several institutions of charity, reform and correction, supported wholly or in part by the Commonwealth, or the several counties thereof, with a view to illustrate in his annual report the causes and best treatment of pauperism, crime, disease and insanity. He shall also arrange and publish in his said report all desirable information concerning the industrial and material interests of the Commonwealth, bearing upon these subjects, and shall have free access to all reports and returns now required by law to be made; and he may also propose

such general investigations as may be approved by the board. 1863, 240, § 3.
He shall be paid, annually, the sum of two thousand dollars and Compensation.
his actual travelling expenses.

4. The board of State charities shall be provided with Board, &c. to have rooms at State House, make rules, investigate and supervise system of public institutions, transfer paupers, but not to make purchases, &c. Ibid. § 4. G. S. 71, § 7. G. S. 73, § 26.
suitable rooms in the State House. They shall hold meetings on the first Wednesday of every month. They may make such rules and orders for the regulation of their own proceedings as they may deem necessary. They shall investigate and supervise the whole system of the public charitable and correctional institutions of the Commonwealth, and shall recommend such changes and additional provisions as they may deem necessary for their economical and efficient administration. They shall have full power to transfer pauper inmates from one charitable institution or lunatic hospital to another, and for this purpose to grant admittances and discharges to such pauper inmates, but shall have no power to make purchases for the various institutions. They shall receive no compensation for their services except their actual travelling expenses, which shall be allowed and paid.

To have no compensation except for expenses.

5. The board of State charities shall annually prepare and To prepare and print full report annually. 1863, 240, § 5.
print for the use of the legislature a full and complete report of all their doings during the year preceding, stating fully and in detail all expenses incurred, all officers and agents employed, with a report of the secretary and general agent, embracing all the respective proceedings and expenses during the year, and showing the actual condition of all the State institutions under their control, with such suggestions as they deem necessary and pertinent.

6. The board of commissioners in relation to alien passen- Office of commissioners and superintendent of alien passengers abolished, and duties to be performed by secretary and general agent, &c. Ibid. § 6. G. S. 71, §§ 1-25.
gers and State paupers, and the office of superintendent of alien passengers in the city of Boston are hereby abolished, and the duties now required by law to be performed by the incumbents of said offices shall be performed by the secretary and general agent herein provided for, subject to the control and direction of the board of State charities. No compensation shall be allowed for this service except actual travelling expenses.

Compensation of general agent. Assistants of secretary and agent may be employed, &c. 1863, 240, § 7.

7. The general agent shall be paid annually the sum of two thousand dollars in full for all his services, and his actual travelling expenses. The general agent and secretary, subject to the approval of the board, may employ such assistants, and incur such expenses as they may deem necessary, within the limits of the annual appropriations; and the balance of appropriations already made for the alien commissioners and the superintendent of alien passengers, remaining unexpended on the first day of October, eighteen hundred and sixty-three, shall be held subject to the requirements of the board.

Secretary and agent to give bond. Ibid. § 8.

8. The secretary and general agent shall respectively give bond to the treasurer of the Commonwealth, with sufficient sureties, for the faithful performance of their duties, in such sums as may be required in their commissions.

Expense of support of State lunatic paupers, how paid and at what rate. Ibid. § 9. G. S. 73. 1862, 223, § 11. 1864, 138.

9. The expenses of the lunatic hospitals for the support of lunatics not having known settlements in this State committed thereto, shall be paid by the Commonwealth at the same rates charged for other lunatics residing therein, not exceeding two dollars and twenty-five cents a week for each lunatic.[1]

Repeal. 1863, 240, § 10.

10. All acts and parts of acts inconsistent with this act are hereby repealed.

When act takes effect. Ibid. § 11.

11. This act, so far as the appointment of officers under it is concerned, shall take effect upon its passage; and for all other purposes, on the first day of October in the year one thousand eight hundred and sixty-three.

Approved April 29, 1863.][2]

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[1] *Ante*, p. 49.

[2] For further provisions in regard to the board of State charities, see "An Act relating to insane persons and lunatic hospitals." St. 1864, c. 288; also, *ante*, p. 37.

A DIGEST

OF

DECISIONS OF THE SUPREME JUDICIAL COURT OF MASSACHUSETTS,

RELATING TO

OVERSEERS OF THE POOR AND PAUPERS

1804–1865.[1]

[1] From the Supplement, published in 1866, to the "Laws and Ordinances," revised in 1863.

A DIGEST OF DECISIONS.

APPRENTICES.

1. Under St. 1793, c. 59, § 4, (Gen. Sts. c. 111, §§ 4, 5,) which provides that in certain cases male children may be bound out as apprentices by the overseers of the poor "until they come to the age of twenty-one years," the overseers are not authorized to bind out a male child to serve as an apprentice until he shall be twenty years of age. *Reidell* v. *Congdon*, 16 Pick. 44 (1834).

2. The same statute requires that in indentures of apprenticeship by overseers of the poor, provision shall be made for instructing the male children "to read, write, and cipher" and "for such other instruction, benefit and allowance, either within or at the end of the term, as to the overseers may seem fit and reasonable." It was held, that an indenture in which the master merely covenanted to give the apprentice "the privilege of all the town school usually taught in the town" was void. *Ib.*

3. An indenture of apprenticeship entered into by overseers of the poor, which does not contain a provision for the instruction of the minor in reading, &c. pursuant to the statutes, is void in regard to all the parties. *Butler* v. *Hubbard*, 5 Pick. 250 (1828).

4. The covenants in an indenture of apprenticeship that the apprentice shall serve, and that the master shall instruct him and provide for him, are independent; so that if the apprentice, by reason of incurable illness, becomes unable to learn his master's trade, or to perform the stipulated services, the master cannot of his own authority put an end to the contract. *Powers* v. *Ware*, 2 Pick. 451 (1825).

5. So if the apprentice steal his master's goods. *Ib.*

6. The selectmen of a town, who were *ex officio* overseers of the poor, no persons having been especially chosen overseers, bound out a child as an apprentice, by an indenture wherein they designated themselves simply as selectmen. It was held, that the indenture was valid; and an action brought upon it by overseers of the poor was sustained. *Powers* v. *Ware*, 2 Pick. 451 (1825).

7. Where the master cut out his signature from the indenture, by permission of one only of the selectmen, it was held, that he was not discharged of the contract. *Ib.*

OVERSEERS OF THE POOR.

1. In the year 1772 the overseers of the poor of Boston were incorporated by the legislature. The act of 1822, changing the town of Boston to a city, continued this corporation, and did not dissolve or suspend it. *Boston* v. *Sears*, 22 Pick. 122 (1839).

2. It was held, also, that the overseers of the poor of Boston were by their incorporation constituted an aggregate corporation, with perpetual and continued succession; that a grant to them of real estate would have carried a fee without being to their successors; and that, in a writ of right, they could count only on their own seisin within thirty years next before the commencement of the action. *Ib.*

3. Where overseers of the poor, upon the decease of a pauper, take possession of his effects, pursuant to St. 1817, c. 186, § 6, (Gen. Sts. c. 70, § 21,) and administration is not taken out within thirty days from his decease, they may sell so much of the property as shall be necessary to repay the expenses incurred for such pauper, notwithstanding the appointment of an administrator before the sale takes place. *Haynes* v. *Wells*, 6 Pick. 462 (1828).

4. In an action by the administrator of a pauper against the overseers, to recover the value of articles fairly sold by auction pursuant to that statute, and purchased by one of the overseers himself, the sale was held to be valid. *Ib.*

5. A pauper having a settlement in a town in this commonwealth, cannot lawfully be carried by the overseers, against his will, to a place without the Commonwealth, to be there supported. *Westfield* v. *Southwick*, 17 Pick. 68 (1835).

6. If the municipal authorities of a town have provided supplies for distribution among those out of the almshouse who need relief, upon orders of the overseers of the poor, and have given notice thereof to the overseers, the latter have no authority to contract debts in behalf of the town for the support of the poor; and one who, having knowledge of the facts, furnishes supplies to persons settled in such town upon orders of the overseers, cannot maintain an action against the town to recover for the same. *Ireland* v. *Newburyport*, 8 Allen, 73 (1864).

7. The admission of overseers of the poor, in a binding-out indenture, that a certain pauper is chargeable to their town, and their acts in paying bills to other towns for his support, are not admissible in evidence against the town in a litigation growing out of subsequent acts, for the purpose of showing that he and his descendants have their settlement therein. In performing these duties, they act as public officers, and not as agents of the town. *New Bedford* v. *Taunton*, 9 Allen, 207 (1864). And see PAUPERS, 272.

8. A committee appointed by a town to audit the accounts of the overseers of the poor, and to demand and receive from them the books of account belonging to the town, held by the overseers in their official capacity, have no such property in the books as will authorize them to apply in their own names for a *mandamus* to compel the surrender of the books. *Bates* v. *Plymouth*, 14 Gray, 163 (1859).

PAUPERS.

I. WHAT CONSTITUTES A PAUPER, AND WHO CAN ACQUIRE A SETTLEMENT.

II. SETTLEMENT OF PAUPERS; HOW ACQUIRED OR LOST.

(*a*) By Approbation, and not being warned out.
(*b*) By Derivation.
(*c*) By living on a Freehold Estate, &c.
(*d*) By having an Estate, &c., and being assessed therefor.
(*e*) By serving as a Town Officer, or being an Ordained Minister.
(*f*) By Incorporation or Division of Towns.
(*g*) By Residence and paying Taxes.
(*h*) How prevented by being relieved as a Pauper.
(*i*) How lost, when once acquired.

III. ACTIONS FOR SUPPORTING PAUPERS.

(*a*) Against the Pauper's Kindred.
(*b*) By Individuals against Towns.
(*c*) By Towns against Individuals.
(*d*) By Towns against Towns.

(1) *When and for what the Action will lie; and of the Pleadings, Evidence, and Trial.*
(2) *Of the Notice.*
(3) *Estoppel.*

IV. REMOVAL OF PAUPERS.

V. PENALTY FOR BRINGING A PAUPER INTO A TOWN.

VI. LUNATIC PAUPERS AND STATE PAUPERS.

I. WHAT CONSTITUTES A PAUPER, AND WHO CAN ACQUIRE A SETTLEMENT.

1. The word "pauper" has long been understood to designate persons receiving aid and assistance from the public, for themselves or their families, under the provisions made by law for the support and maintenance of the poor. *Opinion of the Justices*, 11 Pick. 540 (1832).

2. Where a person who had been supported by his town as a pauper, had bodily health and strength, though of small mental capacity, and was able to earn more than enough to support himself, and had found an employer, it was held, that he was no longer a pauper; and consequently, where the town made a contract with the plaintiffs, that they should take care of all the paupers belonging to the town, and be entitled to their services, it was held, that they were not entitled to the services of the person above described. *Wilson* v. *Brooks*, 14 Pick. 341 (1833).

3. In an action between two towns to recover the amount of expenses incurred by the plaintiff town in relieving a person whose settlement was in the defendant town, the fact that such person might by going a short distance have obtained of his debtor as much money as was expended for his relief, was held not to be conclusive evidence that he was not a pauper. *Sturbridge* v. *Holland*, 11 Pick. 459 (1831). See *Paris* v. *Hiram*, 12 Mass. 262; *Groveland* v. *Medford*, 1 Allen, 23 (*post*, 268).

4. A revolutionary pensioner, who was very old and infirm, and had no property other than his wearing apparel and his pension, which was $96 a year, was held to be a pauper in the case of *Fiske* v. *Lincoln*, 19 Pick. 473 (1837).

5. Persons who reside on lands purchased by or ceded to the United States for navy yards, forts, and arsenals, where there is no other reservation of jurisdiction to the state

than that of a right to serve civil and criminal process on such lands, do not gain a settlement in the towns in which the lands are situated, for themselves or their children, by residence for any length of time on such lands. *Opinion of the Justices*, 1 Met. 580 (1841).

6. Indians, residing within the limits of a town, and being under the guardianship of persons appointed by the government, have no legal settlement in such town. *Andover* v. *Canton*, 13 Mass. 547 (1816).

7. Persons confined as convicts in houses of correction are supported as paupers. *Wood* v. *Burlington*, 1 Met. 493 (1840). See *Opinion of the Justices*, 1 Met. 572.

8. A pauper cannot gain a settlement in his own right in the same town in which he derives a settlement from his father. *Salem* v. *Ipswich*, 10 Cush. 517 (1852).

9. A British soldier was made a prisoner of war by our army in 1777, and was never exchanged, but, not being confined, voluntarily continued his residence in this commonwealth until 1824. It was held, that he was a citizen, and capable of gaining a settlement in this commonwealth. *Cummington* v. *Springfield*, 2 Pick. 394 (1824).

10. So of one born in England, who deserted from the British army under General Burgoyne during the Revolution, and who had resided in this commonwealth from that time until 1824. *Phipps's case*, 2 Pick. 394, note (1824).

11. Every person is a pauper who receives relief at the public expense, and such as is provided by law for persons standing in need of immediate relief. Shaw, C. J., in *Charlestown* v. *Groveland*, 15 Gray, (1860), cited 6 Allen, 587.

12. Where a bond has been given by one individual to another for the support of a poor person, and the indemnity of the obligee, who was chargeable for such support, the town of the pauper's lawful settlement is not thereby discharged from the obligation to maintain such pauper. *Watson* v. *Cambridge*, 15 Mass. 286 (1818).

II. Settlement of Paupers; How acquired or lost.

See St. 1865, c. 230.

(a) By Approbation, and not being warned out.

Sts. 1692, c. 15; 1701, c. 13; 1767, c. 3; 1789, c. 14. Gen. Sts. c. 69, § 1, cl. 8.

13. A warning of a pauper "and his family" under Prov. St. 4 W. & M. c. 13, § 9, is sufficient to prevent the wife and children of the pauper from gaining a settlement. *Shirley* v. *Watertown*, 3 Mass. 322 (1807).

14. If a person, before the Prov. St. of 7 Geo. III. c. 3, had been duly warned to depart from a town, so as to prevent his acquiring a settlement in such town, and after the warning, removed from the town without an intention of returning, continuing absent long enough to gain a new settlement, and afterwards came back and dwelt in the town he had been warned to leave, he must have been again warned within a year from his return, or he would have gained a settlement. *Chelsea* v. *Malden*, 4 Mass. 131 (1808).

15. A warning under the Prov. St. of 4 W. & M. c. 13, to avoid the gaining of a settlement by a pauper, was without effect unless, either in the warrant or the return thereof, the length of time was stated that the party warned had resided in the town. *Hamilton* v. *Ipswich*, 10 Mass. 506 (1813).

16. A warrant which merely stated that the pauper had "lately come to reside" in the town, did not specify with sufficient distinctness the length of time that he had resided there. *Middleborough* v. *Plympton*, 19 Pick. 489 (1837).

17. A warning was held not to be proved by a record of the court of sessions, stating that "the selectmen of U. were allowed to enter their caution against C., whom they refuse to admit as an inhabitant, he having been duly warned, as by a warrant, &c. and return thereon, on file, appears," although it was shown that the warrant and return were lost; such act of the court of sessions being merely ministerial. *Sutton* v. *Uxbridge*, 2 Pick. 436 (1824).

18. Whether such record would have been sufficient evidence, if it had set forth particularly the necessary facts, *quære*. *Ib.*

19. If, in order to show that a person was prevented from gaining a settlement in a town by being warned to leave within one year after he came to reside there, pursuant to Prov. Sts. 4. W. & M c. 13, and 12 & 13 Will. III. c. 10, it be proved merely that such a warrant was issued, served, and returned, it cannot be presumed, in the absence of all other evidence on the subject, that the return on such warrant certified that he was warned within one year after he came to reside in such town. *Franklin* v. *Dedham*, 18 Pick. 544 (1836).

20. Where a stranger was received and entertained by an inhabitant of a town, previous to April 10, 1767, and his residence there was designedly concealed, so that the town officers had no opportunity to warn him to depart, it was held, that he did not gain a settlement. *Newbury* v. *Harvard*, 6 Pick. 1 (1827).

21. A vote of a town between 1767 and 1789, by which J. S. and others were "constituted" one of the school districts of the town, is no evidence of such approbation by the town of his dwelling there as was required by the Prov. St. of 7 Geo. III. c. 3, to give him a settlement in the town. *Amherst* v. *Shelburne*, 13 Gray, 341 (1859).

22. Between the years 1767 and 1789 there was no mode of acquiring a new settlement, but by approbation of the inhabitants of the town into which the person might remove. Parker, C. J., in *Andover* v. *Canton*, 13 Mass. 550 (1816).

23. Under Prov. St. 7 Geo. III. c. 3, § 4, a person coming into a town to reside could not gain a settlement by an *implied* "approbation by the town of his dwelling there." Thus the acceptance by a town of a list of jurymen, as revised by the selectmen, which contained the name of a person who had come into such town to reside, is not such an "approbation" as is required by that statute. *Orange* v. *Sudbury*, 10 Pick. 22 (1830).

24. According to the statute of 1751, for correcting the calendar, a person born on April 4, 1745, old style, would not come of age until April 15, 1766, new style; consequently, he could not gain a settlement in a town by a year's residence without being warned out, there being less than a year between the time of his coming of age and the 10th day of April, 1767, after which day (by Prov. St. 7 Geo. III.) a settlement could not be gained by mere residence without being warned out. *Danvers* v. *Boston*, 10 Pick. 513 (1830).

25. After the provincial act of 7 Geo. III. c. 3, and before St. 1789, c. 14, no settlement by a residence without being warned out could be gained except by the approbation of the town at a general meeting. *Granby* v. *Amherst*, 7 Mass. 1 (1810).

26. The provisions of St. 4 W. & M. c. 13, and St. 1789, c. 14, which required the warning of persons out of a town, to prevent their acquiring a settlement, did not apply to minors, although illegitimate. *Somerset* v. *Dighton*, 12 Mass. 383 (1815).

27. A male pauper, being married while under age, was not thereby so emancipated as to acquire a settlement by a year's residence without being warned out, under Sts. 4 W. & M. c. 13, and 12 & 13 Will. III. c. 10. *Taunton* v. *Plymouth*, 15 Mass. 203 (1818).

28. A child born to one who had been warned to depart the town, under St. 4 W. & M. c. 13, gained a settlement in such town by a year's residence, after coming of age, without being warned to depart. *Berkley* v. *Somerset*, 16 Mass. 454 (1820).

29. Where one, before the 10th of April, 1767, had hired a house, but before the removal of his family into it had gone abroad, and in his absence his family removed into it, and were not warned to depart within twelve months from such removal, he gained a settlement in the town in which such house was situated. *Hardwick* v. *Raynham*, 14 Mass. 362 (1817).

(b) By Derivation.

Sts. 1789, c. 14; 1793, c. 34. Rev. Sts. c. 45. Gen. Sts. c. 69.

Married Women.

30. A marriage of a man having a legal settlement within the commonwealth gives such settlement to the wife, whether the marriage was solemnized within or without the commonwealth. *Dalton* v. *Bernardston*, 9 Mass. 201 (1812).

31. A female does not change the place of her lawful settlement by going through the form of a marriage with a person *non compos mentis*. *Middleborough* v. *Rochester*, 12 Mass. 363 (1815).

32. A man and a woman having their settlements in the same town, intermarried, and the town being afterwards divided into two towns, it was held, that the wife took the settlement of her husband in one of the two towns, although but for the marriage her settlement would have been in the other. *North Bridgewater* v. *East Bridgewater*, 13 Pick. 303 (1833).

33. In an action to recover expenses incurred in support of a pauper, against a town in which his settlement is sought to be established by reason of a marriage, it cannot be shown in defence that the marriage was invalid by reason of the insanity of one of the parties. *Goshen* v. *Richmond*, 4 Allen, 458 (1862).

34. The legislature had power to pass St. 1845, c. 222, (Gen. Sts. c. 107, § 2,) providing that the validity of a marriage shall not be questioned in the trial of a collateral issue, on account of the insanity or idiocy of either party. That statute applies to marriages existing at the time of its passage. *Ib.*

Legitimate Children.

35. The children of a woman who marries a pauper follow his settlement. *Goshen* v. *Richmond*, 4 Allen, 458 (1862).

36. Upon a father's gaining a new settlement, a child who is of age, voluntarily living with him, does not thereby gain such new settlement. *Springfield* v. *Wilbraham*, 4 Mass. 493 (1808).

37. A woman of twenty-one years of age and upwards does not follow or have the settlement of her father, which is acquired by

him in a town in this commonwealth after she reaches that age; although she continues to be a member of his family, and he then, for the first time, acquires a settlement in this commonwealth. *Shirley* v. *Lancaster*, 6 Allen, 31 (1863).

38. The widowed mother of a female pauper became possessed of an estate sufficient to confer a settlement from three years' possession; but, before the three years had passed, the daughter was married to an alien; and, although she continued to reside in her mother's family until after the expiration of the three years, it was held, that she derived no settlement from her mother. *Charlestown* v. *Boston*, 13 Mass. 469 (1816).

39. The settlement of one who is *non compos mentis*, and has not estate sufficient to give him a settlement in virtue thereof, follows and changes with the settlement of his father, as well after his coming of age as before. *Upton* v. *Northbridge*, 15 Mass. 237 (1818).

40. But it is otherwise if he becomes *non compos mentis* after he becomes of age. *Buckland* v. *Charlemont*, 3 Pick. 173 (1825).

41. And incipient insanity does not incapacitate one from gaining a settlement of his own. *Ib.*

42. Legitimate children cannot derive a settlement from their mother, unless their father has no settlement within the commonwealth. *Amherst* v. *Shelburne*, 13 Gray, 341 (1859).

43. A legitimate child having a settlement by its father cannot acquire the settlement of its mother. *Scituate* v. *Hanover*, 7 Pick. 140 (1828).

44. A minor child, having the settlement of its deceased father, does not lose it and acquire the settlement of its mother, on her gaining a new settlement by a second marriage. *Walpole* v. *Marblehead*, 8 Cush. 528 (1851).

45. A husband, having a settlement in this state, after a divorce *a vinculo* for adultery committed by him, removed to another state, where he married and had children, while his former wife was still living. It was held, that such marriage being permitted by the laws of that state, the children were legitimate, and that they had their father's settlement. *West Cambridge* v. *Lexington*, 1 Pick. 506 (1823).

46. Minor children, having the settlement of their mother, do not, at the common law, acquire a new settlement gained by her marriage, although they remove with her to the place of such new settlement. *Freetown* v. *Taunton*, 16 Mass. 52 (1819). But see Gen. Sts. c. 69, § 1, cl. 2.

47. Legitimate children under age, having the settlement of their mother, acquire the new settlement which she gains by another marriage. *Plymouth* v. *Freetown*, 1 Pick. 197 (1822).

48. Where a minor, deriving his settlement from his mother, resided in another state, employed in learning a trade, and the mother acquired a new settlement in this commonwealth by a second marriage, before he came of age, it was held, that his settlement followed that of his mother. *Great Barrington* v. *Tyringham*, 18 Pick. 264 (1836).

49. It seems, that the circumstance that the minor was not bound as an apprentice by indenture, is not material in such case. *Ib.*

50. The settlement of a widow, acquired by her after the death of her husband, is communicated to her infant children. *Dedham* v. *Natick*, 16 Mass. 135 (1819).

Illegitimate Children.

51. Under St. 1789, c. 14, § 3, the settlement of an illegitimate child followed that of his mother, and changed with it. *Petersham* v. *Dana*, 12 Mass. 428 (1815).

52. A man and a woman having their settlements in the same town intermarried, and the town being afterwards divided into two towns, it was held, that the wife took the settlement of her husband in one of the two towns, although but for the marriage her settlement would have been in the other; and that the settlement of her illegitimate child, born before the marriage and before St. 1793, c. 34, which had acquired no settlement in its own right, changed with and followed the settlement of its mother. *North Bridgewater* v. *East Bridgewater*, 13 Pick. 303 (1833).

53. But under St. 1793, c. 34, § 2, (Gen. Sts. c. 69, § 1,) cl. 3, an illegitimate child has the settlement of its mother at the time of its birth, and retains it until it gains a new settlement by some act of its own. Its settlement does not change with that of its mother. *Boylston* v. *Princeton*, 13 Mass. 381 (1816).

54. Under the provincial act of 7 Geo. III. c. 3, illegitimate children acquired no settlement by birth, but had the settlement of their mother. *Newton* v. *Braintree*, 14 Mass. 382 (1817).

55. An illegitimate child, born after April 10, 1767, and before the passage of St. 1789, c. 14, has the settlement of his mother at the time of his birth, if she then had any. *Blackstone* v. *Seekonk*, 8 Cush. 75 (1851).

56. If the parents of illegitimate children intermarry, and the father acknowledges the children as his, they are, by St. 1853, c. 253, (Gen. Sts. c. 91, § 4,) made legitimate to all intents and purposes, and thereupon take the settlement of the father. *Monson* v. *Palmer*, 8 Allen, 551 (1864).

Slaves.

57. Until the ratification of the constitution of this commonwealth, in 1780, the settlement of a slave always followed that of his master, and he could not acquire a settlement in his own right. *Winchendon* v. *Hatfield*, 4 Mass. 123 (1808). *Dighton* v. *Freetown*, Ib. 539. *Stockbridge* v. *West Stockbridge*, 12 Mass. 399 (1815). *Edgartown* v. *Tisbury*, 10 Cush. 410 (1852).

58. Slaves were not within the provincial statutes relating to the warning of persons in order to prevent their gaining a settlement, or relating to the gaining a settlement by residence. *Winchendon* v. *Hatfield*, 4 Mass. 123 (1808).

59. But when manumitted, they could acquire a settlement in their own right. *Ib.*

60. After manumission, a slave retained the settlement of his master until another was gained. *Dighton* v. *Freetown*, 4 Mass. 539 (1808).

61. A slave, as the personal property of his master, became upon his master's decease the property of his master's executor or administrator, and acquired the settlement of such executor, &c. *Ib.*

62. But if one purchased the use of a slave from his owner, the slave did not acquire the settlement of the hirer, although he lived ten years in his service. *Stockbridge* v. *West Stockbridge*, 12 Mass. 399 (1815).

63. Children born free of slave parents derived no settlement either from their parents or the masters of their parents. *Andover* v. *Canton*, 13 Mass. 547 (1816). *Lanesborough* v. *Westfield*, 16 Mass. 74 (1819).

64. Where, before the revolution, the possession of a slave had been transferred to a grandchild of the owner, the declarations of the parties to such transfer at the time were held to be part of the *res gestæ*, and so admissible evidence in a suit respecting the slave. *Milford* v. *Bellingham*, 16 Mass. 108 (1819).

65. Although the mother of a child born in Massachusetts in 1772 was then a slave, and her settlement followed that of her master, yet the child was born free, and derived no settlement from her mother. A slave could not communicate a settlement. *Edgartown* v. *Tisbury*, 10 Cush. 408 (1852).

(c) By living on a Freehold Estate, &c.

Sts. 1789, c. 14; 1793, c. 34; 1821, c. 94. Rev. Sts. c. 45, § 1; Gen. Sts. c. 69, § 1, Fourth clause.

66. A citizen of the United States, living three years in any town within this state, on land conveyed to him by a warranty deed, gains a settlement in such town, although his grantor had in fact no title to the land. *Boylston* v. *Clinton*, 1 Gray, 619 (1854).

67. It is not necessary to prove that the deed was recorded, under which land was held, in order to establish a settlement under Sts. 1789, c. 14, § 1, and 1793, c. 34. *Belchertown* v. *Dudley*, 6 Allen, 477 (1863).

68. One may gain a settlement by reason of an estate of which he appears by record and possession to be the lawful owner, although his title may be defeasible. *Conway* v. *Deerfield*, 11 Mass. 327 (1814).

69. In order to gain a settlement in a town by having an estate of freehold or inheritance therein, it is sufficient if the person is seised by an apparently good title, and no present right of entry is outstanding in any other person. *Brewster* v. *Dennis*, 21 Pick. 233 (1838).

70. Thus, where one having bargained verbally for a piece of land and paid therefor, entered upon and occupied it for twenty years, without having ever received a deed or any other writing respecting it from the original owner; it was held, that, at the expiration of that period of time, he had gained an estate of freehold within the meaning of the statute. *Ib.*

71. A person does not gain a settlement by living upon land three years successively as the tenant of one who has a life estate therein; although such person is entitled to come into possession of the land on the termination of such life estate. The statutes refer to such an estate as a person has a right to occupy, and not to an estate in expectancy, where there is a preceding estate of freehold in some other person. *Ipswich* v. *Topsfield*, 5 Met. 350 (1842).

72. It was held, under St. 1789, c. 14, that one might gain a settlement by virtue of being seised of a freehold estate in right of his wife. *Windham* v. *Portland*, 4 Mass. 384 (1808).

73. One who has an estate as tenant by the curtesy initiate in land held by his wife to her sole and separate use, under St. 1845, c. 208, does not gain a settlement by living thereon three years successively. *Leverett* v. *Deerfield*, 6 Allen, 431 (1863).

74. A husband who for three years successively occupies land assigned to his wife as dower, obtains a settlement by virtue thereof. *Canton* v. *Dorchester*, 8 Cush. 525 (1851). But see *Leverett* v. *Deerfield*, 6 Allen, 431.

75. A person under guardianship as a spendthrift gained a settlement by living three years successively on an estate of inheritance or freehold, purchased with his money and conveyed by deed to him, although it was purchased by his guardian without the sanction of the probate court. *Hopkinton* v. *Upton*, 3 Met. 165 (1841).

76. An estate of freehold or inheritance in trust may give a settlement to the *cestui que trust*. *Orleans* v. *Chatham*, 2 Pick. 29 (1823).

Scituate v. *Hanover*, 16 Pick. 222 (1834). *Randolph* v. *Norton*, 16 Gray, (1860).

77. A person occupying an estate in a town for three years, having a bond for a deed thereof, with permission granted in said bond to take the rents and profits to his own use, gains a settlement, by reason thereof, in such town. *Randolph* v. *Norton*, 16 Gray, (1860).

78. The occupation of an estate of freehold by the grantor, after a conveyance thereof which is fraudulent and void as against creditors, is not sufficient to give him a settlement, although he has a bond for reconveyance from the grantee. *Canton* v. *Dorchester*, 8 Cush. 525 (1851).

79. A mortgagor, occupying the mortgaged estate by leave of a lessee for years of the mortgagee, who has entered for condition broken, has no estate of inheritance or freehold in the premises, and cannot, by such occupation, acquire a settlement in the fourth method. *Oakham* v. *Rutland*, 4 Cush. 172 (1849).

80. A settlement may be acquired by owning an estate of freehold or inheritance, and residing thereon for three years successively, although the land be under mortgage, during the whole time, for its full value. *Mount Washington* v. *Clarksburgh*, 19 Pick. 294 (1837).

81. A settlement may be acquired in a town by a residence in a part thereof which is within the actual jurisdiction of the Commonwealth, although within the rightful jurisdiction of another state, which afterwards obtains the actual jurisdiction, on the establishment of the boundary line. *Somerset* v. *Rehoboth*, 6 Cush. 320 (1850).

82. A settlement in a town is not acquired by living undisturbed thirteen years in a house built by mistake upon the land of another, adjacent to land of the builder, under Rev. Sts. c. 45, (Gen. Sts. c. 69,) § 1, cl. 4, which provide that a settlement may be gained in a town by having an estate of inheritance or freehold therein, and living on the same three years successively. *Wellfleet* v. *Truro*, 5 Allen, 137 (1862).

83. A person does not acquire a settlement in a town under Rev. Sts. c. 45, (Gen. Sts. c. 69,) § 1, cl. 4, by living therein undisturbed for three years in a house built by mistake upon the land of another, adjacent to his own land, and having outbuildings upon his own land. *Wellfleet* v. *Truro*, 9 Allen, 137 (1864).

84. In gaining a settlement by taking the profits for three years of an estate in dower, the time in which they are taken between the assignment of the dower by commissioners, and the ratification thereof by the judge of probate, is to be reckoned as a part of the three years. *Mansfield* v. *Pembroke*, 5 Pick. 449 (1827).

85. When a person having an estate in freehold leased the land for a year in satisfaction of an execution, he was considered, with reference to the gaining of a settlement, as taking the rents and profits during the year. *Ib.*

86. In order to give a citizen of the United States, twenty-one years of age, a settlement under St. 1793, c. 34, § 2, cl. 4, by having a freehold "of the clear yearly income of three pounds, and taking the rents and profits thereof three years successively," it is not necessary that he should have actually taken and received that sum yearly free of all charges. *Pelham* v. *Middleborough*, 4 Gray, 57 (1855).

87. If one who had an estate yielding an income of the requisite amount to give him a settlement, mortgaged the estate to secure a sum, the interest of which, being deducted from the annual income, reduced the income below the required amount, he could gain no settlement, under St. 1793, c. 34, § 2, cl. 4, by reason of the estate. *Groton* v. *Boxborough*, 6 Mass. 50 (1809). *Conway* v. *Deerfield*, 11 Mass. 327 (1814).

88. To gain a settlement in the fourth method described in St. 1793, c. 34, § 2, a citizen must dwell in the town the same three years that he held therein an estate of the prescribed value. *Boston* v. *Wells*, 14 Mass. 384 (1817).

(d) By having an Estate, &c. and being assessed therefor.

St. 1793, c. 34, § 2; Rev. Sts. c. 45, § 1; Gen. Sts. c. 69, § 1, Fifth clause.

89. A person cannot gain a settlement in a town under the fifth mode in St. 1793, c. 34, (Rev. Sts. c. 45, § 1; Gen. Sts. c. 69, § 1,) unless for five successive years his estate shall have been introduced into the valuation of estates made by the assessors, and shall have been valued, the principal at £ 60.(now $ 200,) or the interest at £ 3 12*s.*,(now $ 12,) and he shall have been actually assessed for the same; it not being sufficient that he has had estate liable to taxation in the town, and was able to pay taxes, for that period of time. *Monson* v. *Chester*, 22 Pick. 385 (1839).

90. The several requisites prescribed for gaining a settlement in the fifth mode are indispensable, and if either of them is omitted, it is fatal to the acquirement of a settlemer... Morton, J. Ib. 390.

91. A settlement is gained in the fifth mode prescribed in the statute by possession of an estate valued at two hundred dollars, and being assessed for the same five years successively, whether the taxes so assessed be paid or not. *Westbrook* v. *Gorham*, 15 Mass. 160 (1818).

92. One holding an estate of the requisite

value under a lease for four years, and afterwards a year by sufferance, and being assessed therefor for the five years, does not thereby acquire a settlement. *Templeton* v. *Sterling*, 15 Mass. 253 (1818).

93. The provision that a person shall gain a settlement in a town by "having an estate, the principal of which shall be set at $200, or the income at $12, in the valuation of estates, and being assessed for the same for the space of five years successively," applies to personal estate as well as to real. *Boston* v. *Dedham*, 4 Met. 178 (1842).

94. A citizen cannot acquire a settlement in the town in which he dwells and has his home, by having an estate therein of the required value, as tenant at sufferance or tenant at will, and being assessed therefor for five successive years. *Southbridge* v. *Warren*, 11 Cush. 292 (1853). *Dover* v. *Brighton*, 2 Gray, 482 (1854).

95. The person must reside in the town the whole of the five years for which he is assessed; in other words, he must reside there five full years, commencing on the first of May. *Southborough* v. *Marlborough*, 24 Pick. 166 (1833).

96. Proof that a citizen, in the town in which he dwelt and had his home, occupied and was assessed five successive years for real estate of sufficient value, not owned by him, but of which he had a lease by indenture for one of those years, is not sufficient evidence of his having acquired a settlement in that town, in the fifth mode in St. 1793, c. 34, and Rev. Sts. c. 45, (Gen. Sts. c. 69,) to exempt another town in which he had previously had his settlement, from liability for his support. *Dover* v. *Brighton*, 2 Gray, 482 (1854).

97. Proof that a citizen, in the town in which he dwelt and had his home, was assessed five successive years for estate, real and personal, of which he was "possessed on the first day of May," the income of which was set by the assessors at not less than twelve dollars, and that he had an estate in fee in said real estate during the last two of said years, does not raise a presumption that he had so much as an estate for years in the real estate during any of the other years, and is not therefore such evidence of his having acquired a settlement in that town, under St. 1793, c. 34, § 2, or Rev. Sts. c. 45, (Gen. Sts. c. 69,) § 1, cl. 5, as will exempt another town, in which his father had a settlement, from liability for his support. *Boylston* v. *Groton*, 4 Gray, 282 (1855).

98. When it is shown, in a suit against a town for the support of a pauper, that his personal property was set, in the valuation of the estates of the town, at the required sum, and that he was assessed for the same for five successive years, such town cannot avail itself of the objection that there was not, in the valuation, any such schedule or description of the property as is directed by statute. *Boston* v. *Dedham*, 4 Met. 178 (1842).

(e) By serving as a Town Officer, or being an Ordained Minister.

St. 1793, c. 34, § 2; Rev. Sts. c. 45, § 1; Gen. Sts. c. 69, § 1, Sixth and Seventh clauses.

99. To gain a settlement in the sixth mode in St. 1793, c. 34, (Gen. Sts. c. 69,) a person must dwell in a town the whole year in which he serves as a town officer. *Barre* v. *Greenwich*, 1 Pick. 129 (1822).

100. If a person chosen into the office of constable is compulsorily removed from the town within the year, as by being committed to prison in another town, so that he is not able to discharge the duties of his office, he gains no settlement by virtue of such choice. *Paris* v. *Hiram*, 12 Mass. 262 (1815).

101. The year intended by the statute in that case is a municipal year, or from one election to another. *Ib.*

102. A collector of taxes for a school district is a collector of taxes for the purpose of gaining a settlement in a town. *Belgrade* v. *Sidney*, 15 Mass. 523 (1819).

103. Where a minister, who has been regularly ordained in one town, is afterwards settled in another, as a pastor, with the full character, rights and duties of a pastor, but without any new ordination or ceremony of induction, he will by such settlement as a minister, acquire a settlement as a pauper in the latter town; and it is immaterial whether or not he was settled under an engagement for a limited time, as for a year. *Bellingham* v. *West Boylston*, 4 Cush. 553 (1849).

104. By the present usages of the Baptist denomination, a minister can only be settled by the concurrent act of the church and society. The act of the society, however, need not appear by a formal recorded vote; but if the church has formally voted to settle the minister, the concurrence of the society may be shown by records recognizing him as filling that place, coupled with proof that he actually performed the duties thereof. *Leicester* v. *Fitchburg*, 7 Allen, 90 (1863).

(f) By Incorporation or Division of Towns.

St. 1793, c. 34; Rev. Sts. c. 34; Gen. Sts. c. 69, Ninth and Tenth Clauses.

105. When an old town is divided into two towns, all the inhabitants at the time of the incorporation having settlements there become settled in the towns, respectively, within the

limits of which they lived at the time of the incorporation. *West Springfield* v. *Granville*, 4 Mass. 486 (1808). *Westport* v. *Dartmouth*, 10 Mass. 342 (1813).

106. An inhabitant of a town, living in a part of it which, by an act of incorporation, is formed into a new town, and not having a settlement in the old town, gains none by such incorporation. *West Springfield* v. *Granville*, 4 Mass. 486 (1808).

107. When part of an existing town is detached and annexed to another existing town, the inhabitants of such part, having a settlement in the town from which they are detached, acquire by such annexation a settlement in the town to which they are annexed. *Groton* v. *Shirley*, 7 Mass. 156 (1810).

108. Where a part of a town was incorporated as a new town, a pauper having a previous settlement in the old town, and whose place of residence at the time of the incorporation could not be ascertained, was held to be chargeable to the old town. *Westport* v. *Dartmouth*, 10 Mass. 341 (1813).

109. Before St. 1793, c. 34, (Gen. Sts. c. 69,) when a new town was formed of part of an existing one, the settlement of persons absent at the time of the incorporation of the new town continued in the old town, though their former dwelling was in that part of which such new town was formed. *Windham* v. *Portland*, 4 Mass. 384 (1808). *Bath* v. *Bowdoin*, Ib. 452.

110. When an unincorporated place is made a town by incorporation, the inhabitants gain a settlement therein, and of course lose any former settlement they may have had. *Bath* v. *Bowdoin*, 4 Mass. 452 (1808). *Buckfield* v. *Gorham*, 6 Mass. 445 (1810).

111. Before the passage of St. 1793, c. 34, (Gen. Sts. c. 69,) a citizen who dwelt and had his home in an unincorporated place, when it was incorporated into a district or town, gained a legal settlement in the district or town, by force of the act of incorporation; that statute having merely affirmed, in this particular, a preëxisting rule of law. *Sutton* v. *Orange*, 6 Met. 484 (1843).

112. Where parts of different towns, together with unincorporated territory, are incorporated into a district, a citizen dwelling and having his home in such unincorporated territory, gains a legal settlement in such district, by force of the act of incorporation, in the same manner as if such district had been wholly composed of territory previously unincorporated. *Ib.*

113. A pauper whose settlement in a town was acquired in a part which was afterwards incorporated into a new town, but whose home at the time of the division was in the other part, was held not to have a settlement in the new town. *Sutton* v. *Dana*, 4 Pick. 117 (1826).

114. Incorporating a district into a town made no alteration in regard to the settlement of persons residing in the territory. *Walpole* v. *Hopkinton*, 4 Pick. 357 (1826).

115. Under St. 1794, c. 34, (Gen. Sts. c. 69,) upon the division of a town, a person having a legal settlement therein, but not residing therein at the time of such division, acquired a settlement in that town in which his last dwelling-place in the original town happened to fall upon such division. *Lexington* v. *Burlington*, 19 Pick. 426 (1837).

116. But where a special statute set off an individual, with his family and real estate, from one town, and annexed them to another, it was held, that the settlement in the former town of another person, not then residing therein, but whose last residence therein was upon the land set off, was not transferred to the town to which such land was annexed. *Ib.*

117. Where a new town, A., was incorporated out of part of an old town, B., and the act of incorporation provided that A. should pay to B. a sum of money as a consideration for being exempted from any expense on account of paupers belonging to B. previous to the incorporation, except such as might thereafter be returned as paupers from some other town, who were born in or formerly were inhabitants of that part of B. which constituted A.; it was held, that the paupers returned to B. not born in A. for whose support A. must pay, were those who, when they removed to other towns, removed from the part of B. forming A., and not such as might have once lived in that part of B., not having been born there, but before they dwelt in another town, removed to and lived in the other part of B., and removed thence to other towns. *Salem* v. *Hamilton*, 4 Mass. 676 (1808).

118. A pauper had a derivative settlement in a part of the town of A. which was annexed to the town of B.; but being of age, and out of the Commonwealth at the time of such annexation, his settlement continued in A. Afterwards the town of C. was incorporated, and contained within its limits the tract of land in right of which the settlement was held. In the act incorporating C., it was provided that persons who had gained a settlement in the part of B. which by the act was made a part of C., and who should thereafter need support, should be supported by C. This latter town was held liable for the support of the pauper. *Great Barrington* v. *Lancaster*, 14 Mass. 253 (1817).

119. One cannot affect his settlement by removing from one part to another part of the same town. Therefore, where, upon the incorporation of a new town from parts of several old ones, it was provided by the act of incorporation that the new town should be

held to support such paupers as had gained a settlement in any of those parts of the old towns which formed the new one; it was held, that the new town was not liable for the support of paupers who derived their settlement from an ancestor who lived in a part of one of the old towns forming the new one, but who had before acquired a settlement by residence in another part of the same old town. *Princeton* v. *West Boylston*, 15 Mass. 257 (1818).

120. The act incorporating the town of A. from part of the town of B., provided that A. should receive and support four tenths of the poor persons then chargeable to B. D. S., one of the said poor persons, whose settlement in B. was not derived from his residence on that part of its territory which was formed into A., was, with his wife and children, assigned to and received and supported by A., in accordance with an agreement made between the two towns pursuant to said act. It was held, that D. S. did not thereby acquire a settlement in A.; and that his children, born after the agreement, were not chargeable to that town. *West Boylston* v. *Boylston*, 15 Mass. 261 (1818).

121. Where a new town was created of parts of several towns, and it was provided that the new town should support all such persons as before had been, then were, or thereafter might be, inhabitants of those parts of the former towns then incorporated into such new town, and were or might become chargeable, and who had not a settlement elsewhere; it was held, that the new town was not chargeable with the support of paupers who, at the time of the incorporation, were supported by one of the old towns upon the territory forming part of the new town, but whose settlement was derived from owning and occupying real estate in another part of the old town. *Southbridge* v. *Charlton*, 15 Mass. 248 (1818).

122. The agreement of towns cannot affect the settlement of their inhabitants. Therefore, where a part of a town was about to be incorporated into a new town, and it was agreed that those who should afterwards become chargeable as paupers, should be supported by the town from whose territory they derived their settlement, it was held, that the old town was still liable to others for the support of one whose settlement was derived from the territory composing the new town, but who was not an inhabitant at the time of the incorporation. *Westborough* v. *Franklin*, 15 Mass. 254 (1818).

123. On the separation of East Sudbury from Sudbury, an agreement was made between the two towns "that all paupers who had gained a settlement in the old town before the division should be supported in the town in which they gained their habitancy." It was held, that a pauper who was born within the limits of East Sudbury had not acquired a new settlement by changing his residence within the town to the territory which remained in the old town on the separation. *Sudbury* v. *East Sudbury*, cited 15 Mass. 260 (1815).

124. By an act incorporating a town from part of an old one, it was provided that the two towns should bear their proportionable part of the expense of supporting the poor that were at that time relieved by the elder town. Afterwards the two towns made an agreement that if any person should thereafter be returned as a pauper, having a right to a support from the elder town, the new town should be bound to support him, if his last residence had been in that territory which constituted the new town. It was held, that the agreement was not binding on the new town, and it was not obliged to support a pauper so situated. *Norton* v. *Mansfield*, 16 Mass. 48 (1819).

125. In an act incorporating a town, which provided that certain remonstrants against the incorporation, who lived within the limits of the new town, should remain with their families to the old town, upon their leaving their names in the secretary's office within two years, it was held, that the privilege thus granted was personal to the remonstrants, and did not remain to their descendants. *Dillingham* v. *Burgis*, 16 Mass. 58 (1819).

126. A new town was formed of parts of several old towns. Sundry inhabitants within the limits of the new town were, with their estates and the heirs and assigns of such estates, to remain to the towns to which they had before belonged; but were authorized at their pleasure afterwards to transfer themselves and their estates to the new town. A., an inhabitant thus situated, sold his estate to B., and removed elsewhere. B. afterwards availed himself of the privilege, and became with the estate he had so purchased, a part of the new town. It was held, that the settlement of A. was not thereby affected. *Lancaster* v. *Sutton*, 16 Mass. 112 (1819).

127. A person having a settlement on the part of Bridgewater which remains Bridgewater, removed into the part which is now East Bridgewater, and would have gained a settlement there by owning a freehold, if that part had then been a separate town. It was held, that his settlement was still in Bridgewater, under St. 1823, c. 31, incorporating East Bridgewater, which provides that all persons who may hereafter become chargeable as paupers to Bridgewater or East Bridgewater, shall be considered as belonging

to that town on the territory of which they had their settlement at the time of passing the act. *East Bridgewater* v. *Bridgewater*, 2 Pick. 572 (1824). See *Bridgewater* v. *West Bridgewater*, 9 Pick. 55.

128. By St. 1819, c. 147, by which a part of the town of P. was incorporated as a new town by the name of H., it is enacted that "the poor now supported by the town of P., and all such who may hereafter be returned for support in virtue of having acquired a settlement in said town, shall be supported in the town of P. or H., as they shall have acquired their settlement within the territorial limits of either town as described in this act." It was held, that this provision did not apply to a person not then a pauper, who had then acquired a settlement in the territory set off as the town of P., but whose dwelling-place was within the territory set off as the town of H., but that such person, upon the incorporation of H., acquired a settlement in that town. *Hanson* v. *Pembroke*, 16 Pick. 197 (1834).

129. An act incorporating a part of a town into a separate town, provided that any person who might have gained an habitancy within the part thus incorporated, and who should thereafter need to be supported as a poor person, should be supported by the new town. *Held*, that a pauper who had gained a settlement on that part of the territory which continued to be the old town, but had removed into the other part before it was incorporated as the new town, retained his settlement in the old town. *New Braintree* v. *Boylston*, 24 Pick. 164 (1833).

130. Parts of different towns formed into a new town, with a provision that the new town should support all the poor who had their legal settlement in either of the towns from which it was formed, and who had removed therefrom, and whose dwelling-place or home was, before such removal, within the limits of the new town. *Held*, that this provision did not include those poor who had removed from the limits of the new town into another part of the same old town, and from thence into another town; but included those only whose *last* dwelling-place or home, previous to such removal, was within the limits of the new town. *Sutton* v. *Dana*, 1 Met. 383 (1840).

131. Parts of different towns were formed into a district, by an act of incorporation which contained a provision that the inhabitants of the district should "provide for the support of all the poor who were inhabitants within the district before the passing of the act, and shall be brought back for maintenance hereafter." *Held*, that the act was limited to those individuals who were before inhabitants within the district, and might be brought back, and did not include their descendants. *Harvard* v. *Boxborough*, 4 Met. 570 (1842).

132. St. 1842, c. 5, annexing parts of two other towns to the town of Dana, having provided that if persons who had theretofore gained a legal settlement in said annexed territory, should come to want and stand in need of relief and support, they should be relieved and supported by said town of Dana, in the same manner as if they had gained a settlement in that town; it was held, that the town of Dana was bound to support, from the time the statute was passed, the persons who had gained or derived, in the way mentioned in said section, a legal settlement in said annexed territory, and who might stand in need of relief since the statute was passed, though they had come to want and been relieved as paupers before it was passed. *Dana* v. *Hardwick*, 10 Met. 208 (1845).

133. The third section of St. 1811, c. 133, for dividing the town of Rehoboth, and establishing the town of Seekonk, which provided that one half of the paupers for which the town of Rehoboth was chargeable, including such as had removed therefrom, if lawfully returned there for support, should be delivered over to the overseers of the poor of the new town, to be there supported, did not change, as to the settlement of the paupers referred to in such act, the general law relating to the settlement of the inhabitants of a town, upon a division thereof. *Westborough* v. *Rehoboth*, 4 Cush. 185 (1849).

134. The incorporation of the town of Essex from a part of the town of Ipswich, does not exempt the latter town from the support of a pauper who had a settlement in Ipswich at that time, and resided in that part of the town which continued to be Ipswich. *Salem* v. *Ipswich*, 10 Cush. 517 (1852).

135. Under St. 1850, c. 62, which divides the town of Bradford, and incorporates a portion thereof into the new town of Groveland, and which provides that "the paupers now supported by the town of Bradford, and all such as may hereafter require support, in virtue of having acquired a settlement in said town, shall be supported by the town within the territorial limits of which they may have acquired a settlement," the inhabitants of Groveland are bound to support all paupers who have a settlement within the territorial limits of that town, whether such settlement is derivative, or has been acquired by their own act. *North Andover* v. *Groveland*, 1 Allen, 75 (1861).

135 *a*. When an act incorporating part of a town and constituting it a new town provides that all the debts due to or from the original

town shall be divided between the two towns, in proportion to the state valuation, and that the poor, with which the original town was then chargeable, together with those then removed therefrom and afterwards returning for support, shall be divided in the same proportion, — the legal construction of such a provision is, that the debts are to be paid to or by the original town, who may be compelled by the new town to pay over to it its proportion of debts received, and may compel such new town to reimburse its proportion of debts paid; and that the charges of maintaining the poor, and not their persons, are to be divided, each town having a remedy against the other for a reimbursement of any excess of such charges beyond its due proportion. *Brewster* v. *Harwich*, 4 Mass. 278 (1808).

135 *b*. Such a provision does not affect the settlement of any of the inhabitants of either of the towns. *Ib.*

(g) By Residence and paying Taxes.

St. 1793, c. 34, § 2 ; Rev. Sts. c. 45, § 1; Gen. Sts. c. 69, § 1, Twelfth clause.

136. A citizen, having taxable property, and being able to pay the taxes assessed upon him, gains a settlement in a town by dwelling there for ten years together, and half that time paying state and town taxes, although he is omitted in the county tax. *Wrentham* v. *Attleborough*, 5 Mass. 430 (1809).

136*a*. In order to gain a settlement under the twelfth clause, a person must have resided in the town ten years together, and if he has been absent for three months during the term, with the intention not to return, he does not gain a settlement. *Billerica* v. *Chelmsford*, 10 Mass. 394 (1813).

137. One residing in a town more than ten years, paying taxes for more than five of them for a small piece of land, which the owner of it permitted him to occupy at a small rent for one year, and which he continued to occupy for the other years without any express contract, being too poor to pay the rent in full, was held to have acquired a settlement in the town. *Sudbury* v. *Stow*, 13 Mass. 462 (1816).

138. A person having removed to this state from Vermont, resided in a town in this state for ten years, and paid taxes there during more than five of those years. It was held, that he acquired a settlement in such town, although he left his wife and children upon his farm in Vermont, and occasionally visited them there, and once remained there with them five or six months, during the ten years. *Cambridge* v. *Charlestown*, 13 Mass. 501 (1816).

139. The payment of highway taxes for five years, by labor, with the requisite residence of ten years, gave a settlement under St. 1793, c. 34, no other taxes being assessed upon the person during those years. *Andover* v. *Chelmsford*, 16 Mass. 236 (1819).

140. A citizen dwelling in a town ten years, and having taxable property five of those years, does not gain a settlement in the twelfth mode mentioned in St. 1793, c. 34, (Gen. Sts. c. 69,) if the assessors, for a sufficient reason, omit to tax him. *Reading* v. *Tewksbury*, 2 Pick. 535 (1824).

141. Where a person lived in a town nine years and four months, and then absconded and never returned, but his wife remained there eight months longer, it was held, that he had not resided there ten years actually or constructively, and so had not gained a settlement in the twelfth mode in St. 1793, c. 34. *Athol* v. *Watertown*, 7 Pick. 42 (1828).

142. Labor performed by an individual in repairing highways to the amount of a highway tax irregularly and informally assessed upon him, would have no effect towards giving him a settlement. *Southampton* v. *Easthampton*, 8 Pick. 380 (1829).

143. Where the assessors assessed more than five per cent over and above the sum committed to them to assess, it was held, that the tax was not "duly assessed," within the meaning of the statute relative to gaining a settlement. *Charlemont* v. *Conway*, 8 Pick. 408 (1829).

144. But the town cannot set up this defect, to defeat a settlement, where so long a time has elapsed since the payment of the tax that no claim for reimbursement could be sustained. *Ib.*

145. On the question between two towns whether a pauper has acquired a settlement in one of them by a residence there of ten years and payment of all taxes for any five years within that period, the fact that a highway tax assessed on him one year was not included in his tax bill of the ensuing year, raises a presumption that it was paid; but this presumption may be rebutted by evidence to the contrary. *Attleborough* v. *Middleborough*, 10 Pick. 378 (1830).

146. The burden of proof as to the fact of payment of such highway tax is upon the party alleging that a settlement was acquired in the mode above mentioned. *Ib.*

147. In order to gain a settlement in a town under the twelfth mode prescribed by St. 1793, c. 34, § 2, (Gen. Sts. c. 69, § 1,) a person must pay all the taxes duly assessed upon him for five out of the ten years of his residence in such town; and it is not sufficient if he pays a part only of such taxes, and is discharged from the payment of the residue by a

St. 1793, c. 34, § 2, (Gen. Sts. c. 69, § 1,) viz: residing in a town ten years together and paying taxes five of them. *Robbins* v. *Townsend*, 20 Pick. 345 (1838).

148. The mere neglect of the officers of a town to enforce the payment of a tax which might by due diligence have been collected, will not have the same operation as an actual payment, towards giving the person assessed a settlement in the twelfth mode prescribed by *Taunton* v. *Middleborough*, 12 Met. 35 (1846).

149. A person, although he has no settlement within the Commonwealth, does not acquire a settlement in a town by residing there ten years together, and paying taxes for five of those years, if he receives aid as a pauper, from such town, before the expiration of the ten years. *West Newbury* v. *Bradford*, 3 Met. 428 (1841). And see *post*, 160–171.

150. Or if he is supplied by the town in which he has a settlement, with money to aid him in supporting his helpless children. vote of the town. *Shrewsbury* v. *Salem*, 19 Pick. 389 (1837).

151. A person does not acquire a settlement by residing in a town for ten years together and paying all taxes assessed upon him for five years within that time, if during that time the town has paid for his support while confined in its workhouse, on conviction for a criminal offence. *Worcester* v. *Auburn*, 4 Allen, 574 (1862). See *post*, 160–171.

152. A person does not gain a settlement by residing in a town for ten years together, and possessing real and personal estate, if the assessors omit to tax him; though such omission is not on account of his infirmity or poverty, or by mistake, but in order to prevent his acquiring a settlement; evidence, therefore, that a person, who has resided in a town ten years together, possessed such estate, and that the assessors thus omitted to tax him, is not admissible in proof of his having gained a settlement in such a town. *Berlin* v. *Bolton*, 10 Met. 115 (1845).

153. In an action brought by one town against another for the support of a pauper and his family, evidence that the pauper left his former home and came to the defendant town with the intention of removing his family there as soon as practicable, that he boarded and worked there for ten years, and paid taxes there five years of the ten, and that, a year after he came, his family removed there, and continued to reside with him for the rest of the ten years, after which they all removed to the plaintiff town, is sufficient to warrant a finding by the jury that the pauper had gained a settlement for himself and family in the defendant town. *Fitchburg* v. *Winchendon*, 4 Cush. 190 (1849).

154. In order to prove a settlement in the twelfth mode provided by statute, by a residence and the payment of taxes in the town where the settlement was alleged to be, an original document preserved amongst the records of the town, and purporting to be an assessment of taxes for the year 1798, was produced in evidence, from which it appeared that taxes to the amount of $3.03 were assessed in that year upon the individual in question for his poll and estate; and it also appeared in evidence that the entry of these taxes on the bill of assessment had been erased by having a line drawn through it, and that the collector for the year 1798 had been allowed a credit with the treasurer of the town for a discount of said taxes; it was held, that whether the production of the bill of assessment raised any presumption of the payment of the taxes so assessed or not, the circumstances stated above were competent evidence to prove that the taxes in question were not in fact paid. *Boston* v. *Weymouth*, 4 Cush. 538 (1849).

155. The assessment of a tax on real estate to the occupant, and the payment of the same by him, not as of his own estate, but in right of another, are a sufficient assessment and payment of a tax, within the twelfth mode provided by statute, for acquiring a settlement as a pauper in the town where the occupant resides. *Randolph* v. *Easton*, 4 Cush. 557 (1849).

156. Insanity, incurring after a person has become an inhabitant of a town, will not prevent his acquiring a settlement by living therein ten years consecutively. *Chicopee* v. *Whately*, 6 Allen, 508 (1863).

157. The rule that a domicil once acquired is presumed to continue until a subsequent change is shown, applies to cases of settlement. *Ib.*

158. Absence from a town, without a definite purpose at all events to return to it as a home, will not interrupt the residence requisite to a settlement under the twelfth clause, until a new domicil is acquired elsewhere. *Worcester* v. *Wilbraham*, 13 Gray, 586 (1859).

159. A citizen of this state resided in Lenox with his family from May, 1823, till the summer of 1828, when he left Lenox for a temporary purpose and remained absent, without any intention of changing his residence, until the latter part of May, 1829, when he returned, and thereafter resided in Lenox until May, 1838, paying taxes assessed upon him therein yearly from 1831 to 1838. His wife and children had been left by him in Lenox during his absence, but before his return removed therefrom without his consent or knowledge. *Held*, that he gained a settlement in Lenox in the twelfth mode. *Lee* v. *Lenox*, 16 Gray, (1860).

(h) How prevented by being relieved as a Pauper.

160. A person does not acquire a settlement in a town by residing therein for ten years and paying taxes during five of those years, if before the expiration of the ten years he became poor, and was relieved by the overseers of the poor of the town of his former settlement. *East Sudbury* v. *Waltham*, 13 Mass. 460 (1816).

161. A person does not acquire a legal settlement by residing in a town ten years together and paying taxes for any five of those ten years, if within that time he is committed to jail, and while there applies for and receives relief as a pauper from the jailer. *East Sudbury* v. *Sudbury*, 12 Pick. 1 (1831).

162. Where one resided in a town for ten years together, and paid all taxes assessed upon him for five of those years, it was held, that he acquired a settlement therein, notwithstanding his wife was, at the same time, receiving support as a pauper from another town in which she resided, it not appearing that she was so supported at his request or with his knowledge, or that he was ever applied to for payment of the expenses thereof, or that he was unable to pay them. *Berkeley* v. *Taunton*, 19 Pick. 480 (1837).

163. A person will not acquire a settlement by living three years successively on land in which he has an estate of freehold or inheritance, if in the course of that period he receive relief as a pauper. *Brewster* v. *Dennis*, 21 Pick. 233 (1838). *Oakham* v. *Sutton*, 13 Met. 192 (1847).

164. A person could not acquire a settlement in a town by a residence of ten years therein and paying taxes five years of the ten, if during that time he applied to the overseers of the town for aid, and they supplied his wants, although he afterwards paid for the supplies, and although he had no settlement in the Commonwealth. *West Newbury* v. *Bradford*, 3 Met. 428 (1841), overruling on this point *Mount Washington* v. *Clarksburgh*, 19 Pick. 294 (1837).

165. A parent does not gain a settlement in a town by residing therein ten years together, and paying all taxes assessed on him for five of those years, if, during such residence, he is supplied by the town in which he has a settlement, with money to aid him in supporting his helpless children. *Taunton* v. *Middleborough*, 12 Met. 35 (1846).

166. A person who has a settlement within the Commonwealth does not acquire a new settlement by residing in a town ten years together, and paying taxes for five of those years, if his wife is committed to a state lunatic hospital upon his complaint or by his consent, and receives aid from the Commonwealth as a state pauper, before the expiration of the ten years. *Charlestown* v. *Groveland*, 15 Gray, (1860).

167. A citizen of the United States, not having a settlement within the Commonwealth, does not gain a settlement in a town by having a freehold estate therein, and living on such estate three years successively, if before the expiration of the three years his wife is committed to a state lunatic hospital, and is there supported by the Commonwealth as a pauper, although he did not request or consent to her commitment, if he knew of such commitment. *Woodward* v. *Worcester*, 15 Gray, (1860).

168. Support granted to a person as a pauper by the overseers of the poor of the town in which he has a settlement, will prevent his acquiring a settlement in another town in which he resides, although the act of the overseers, in granting such support, be not ratified by the town of whose poor they are overseers. *Oakham* v. *Sutton*, 13 Met. 192 (1847).

169. A man does not obtain a settlement, under Rev. Sts. c. 45, (Gen. Sts. c. 69,) § 1, cl. 4, in a town where he owns a freehold, if before he has lived therein for three years successively he is committed to a state lunatic hospital and there supported as a pauper; although his family continue to reside on his land for the residue of the three years. *Choate* v. *Rochester*, 13 Gray, 92 (1859).

170. A person does not acquire a settlement by residing in a town for ten years together and paying all taxes assessed upon him for five years within that time, if during that time the town has paid for his support while confined in its workhouse, on conviction for a criminal offence. *Worcester* v. *Auburn*, 4 Allen, 574 (1862).

171. It is the reception of needed support or aid, furnished by the public, which prevents a person from gaining a settlement, although that support may not ultimately be at the expense of the public. *Ib.*

(i) How lost when once acquired.

172. A settlement gained in another state does not annul a previous settlement in a town within this state. *Canton* v. *Bentley*, 11 Mass. 441 (1814). *Wilbraham* v. *Sturbridge*, 6 Cush. 61 (1850).

173. A wife does not lose her settlement, derived from her husband, by means of a divorce, except for a cause which shows the marriage to have been void. *Dalton* v. *Bernardston*, 9 Mass. 201 (1812). See *Middleborough* v. *Rochester*, 12 Mass. 363.

174. A settlement is not lost until another is gained within the state; therefore, where a pauper, having a settlement derived from his

father, removed into New Hampshire, and there had a son born, who afterwards came into this state and had children, it was held, that these children had a settlement in this state, derived from their great-grandfather. *Townsend* v. *Billerica*, 10 Mass. 411 (1813).

175. A person does not lose or gain a settlement by reason of his changing his domicil from one place to another in the same town. *Dalton* v. *Hinsdale*, 6 Mass. 501 (1810). *Princeton* v. *West Boylston*, 15 Mass. 260 (1818).

176. A person having a settlement in a town in Massachusetts, but living in Maine at the time of its separation from Massachusetts, did not by the separation lose her former settlement. *Middleborough* v. *Clark*, 2 Pick. 28 (1823).

177. Since the repeal of St. 1789, c. 14, by St. 1793, c. 34, a settlement in any town in this commonwealth is not lost by the acquisition of a settlement in another state, while the St. of 1789 was in force. *Wilbraham* v. *Sturbridge*, 6 Cush. 61 (1850).

178. The rule that a domicil once acquired is presumed to continue until a subsequent change is shown, applies to cases of settlement. *Chicopee* v. *Whately*, 6 Allen, 508 (1863).

III. Actions for supporting Paupers.

(a) Against the Pauper's Kindred.

St. 1793, c. 59. Rev. Sts. c. 46. Gen. Sts. c. 70.

179. The kindred of a pauper cannot be called upon to contribute to his support except by the overseers of the poor of the town of his legal settlement or by others of his kindred. *Salem* v. *Andover*, 3 Mass. 436 (1807).

180. The only remedy for a town other than that wherein he is settled, which has provided for a pauper, is by an action against the town where he has his settlement. *Ib.*

181. The terms "such poor person," and "such pauper" in Rev. Sts. c. 46, §§ 5, 6, (Gen. Sts. c. 70, §§ 4, 5,) include all poor and indigent persons, standing in need of relief. *Hutchings* v. *Thompson*, 10 Cush. 238 (1852).

182. The kindred by affinity of any poor person cannot maintain a complaint under Rev. Sts. c. 46, § 6, (Gen. Sts. c. 70, § 5,) against the father of such poor person, for the expenses of his relief and support. The term "any kindred" extends only to kindred by consanguinity. *Farr* v. *Flood*, 11 Cush. 24 (1853).

183. The word "kindred" includes only blood relations. A husband is not of kin to his wife, nor she to him. *Brookfield* v. *Allen*, 6 Allen, 586 (1863.)

184. Upon a complaint to compel kindred of a poor person to contribute towards his support, the superior court have power, under Gen. Sts. c. 70, § 11, to award costs, and no appeal lies from their decision. *South Reading* v. *Hutchinson*, 10 Allen, 68 (1865).

(b) By Individuals against Towns.

Sts. 1793, c. 59; 1826, c. 142; 1834, c. 151. Rev. Sts. c. 46. Gen. Sts. c. 70, § 16.

185. Under St. 1793, c. 59, § 13, an action against the town of a pauper's legal settlement, for supplies furnished the pauper, could not be sustained unless the plaintiff was an inhabitant of such town. *Mitchell* v. *Cornville*, 12 Mass. 332 (1815). But the provisions of this statute were changed by Rev. Sts. c. 46, § 18 (Gen. Sts. c. 70, § 16). *Underwood* v. *Scituate*, 7 Met. 214 (1843).

186. A surgeon, who has performed a difficult and neeessary operation on a pauper, not resident in the town of his settlement, without the request of the overseers of the poor of such town, has no right of action therefor against such town. *Miller* v. *Somerset*, 14 Mass. 396 (1817).

187. Nor can a surgeon recover for such services from the town where the pauper resided, the services having been performed without notiee and request made to the overseers of the poor of such town. *Kittredge* v. *Newbury*, 14 Mass. 448 (1817).

188. Where an inhabitant of a town incurs an expense for the relief of a pauper, for which the town is liable after notice and request to the overseers of such town, such notiee and request need not be in writing. *Watson* v. *Cambridge*, 15 Mass. 286 (1818).

189. An aetion against the town for the reimbursement of such expense is not limited to two years after the notice. *Ib.*

190. Under St. 1793, c. 59, a town in which a prison was situated was liable to the jailer for the support of a pauper confined in prison for debt, whether he had a legal settlement in any other place or not, after due application to the overseers. *Cargill* v. *Wiscasset*, 2 Mass. 547 (1807). *Doggett* v. *Dedham*, Ib. 564 (1805).

191. So where the pauper was confined for not obeying the order of the court in providing for the maintenanee of a bastard child, of which he had been adjudged to be the father. *Sayward* v. *Alfred*, 5 Mass. 244 (1809).

192. Otherwise, where the pauper had been eommitted to prison for a crime against the Commonwealth. *Adams* v. *Wiscasset*, 5 Mass. 328 (1809).

192 *a*. When an insane person, who is not able to pay for his own support, is confined in a house of correction, the town in which

he has a settlement is liable for his support in such house, under St. 1836, c. 223, (Gen. Sts. c. 74, § 6,) if he have no parent, master or kindred, liable by law to support him. *Watson* v. *Charlestown*, 5 Met. 54 (1842).

193. Under Sts. 1802, c. 22, § 2, and 1826, c. 142, the master of a house of correction, after his accounts had been allowed and certified by the court of sessions, might maintain an action for the amount allowed by that court for the support of a pauper duly committed to the house, against the town of the pauper's settlement, and want of notice to the town of the claim afforded no defence to the action. *Wade* v. *Salem*, 7 Pick. 333 (1828).

193 *a*. The neglect of the court of sessions to establish rules to govern the persons committed, to provide materials for their employment, and to keep accounts thereof, as required by St. 1802, c. 22, was no defence to an action by the master of a house of correction against a town. *Ib*.

193 *b*. Where the accounts of the master of a house of correction had been allowed by the court of sessions, and one of the towns charged in them appeared by counsel and contested their allowanee, the only notice to the town of the claim having been given at the court; it was held, in an action by the master against the town, to recover the compensation allowed by the court of sessions, that the want of notice to the town afforded no defence to the action; but that the record of the court of sessions was not conclusive as to the liability of the town, which could make in the action any defence to which it might be legally entitled. *Ib*.

194. The expense incurred on account of an infant nursing at the breast of a woman committed to a house of correction may be recovered of the town where the house of correction is situated, after notice and request, but not the expense of extra articles of food furnished to the mother, because of her having an infant at the breast. *Watson* v. *Cambridge*, 18 Pick. 470 (1836).

194 *a*. Where an alien woman, having a nursing infant, which stood in need of immediate relief, was committed to a jail or house of correction, it was held, that such infant was not within the provisions of any of the statutes providing for the support of convicts and persons confined on criminal prosecutions. *Ib*.

195. Under St. 1834, c. 151, § 10, authorizing keepers of houses of correction to bring actions in certain cases for the support of convicts against the towns of the convicts' settlement, a personal presentation of an account was held not to be necessary, but a letter from the keeper or some one authorized by him, to the selectmen of the town, making a demand, was sufficient. Evidence of the authority of the agent should be furnished to the selectmen at the time of the demand. *Robbins* v. *Weston*, 20 Pick. 112 (1838).

196. But a demand made under the authority solely of the overseers of the house of correction in Boston, was held to be insufficient, although afterwards ratified by the board of aldermen. *Boston* v. *Weston*, 22 Pick. 211 (1839).

197. If a person agrees with a town to board a pauper for a year at the rate of a dollar a week, and the pauper dies within the year, so that the contract cannot be fulfilled, such person is entitled to recover, on an implied promise, for the part of the contract actually performed, but he cannot recover for the whole year. *Willington* v. *West Boylston*, 4 Pick. 101 (1826).

198. If a pauper is ill treated or insufficiently provided for by an individual who has agreed with the town to support him, another individual will not have a right to support him without notice to the town, so that it may reform the abuse or make other provision for the pauper. *Worden* v. *Leyden*, 10 Pick. 24 (1830).

199. The plaintiff, being the guardian of a person whose legal settlement was in the town of L., and who was incapable of labor, and had no property except a small pension, informed the overseers of the poor of the town of two successive years that he was running a risk, as he was obliged to become responsible for the board of his ward, and that when he received the pension it took about one half of it to pay arrearages due for the board, and that the town must take the risk. The ward died, when all the property belonging to him had been exhausted and further expenses had been necessarily incurred by the guardian. It was held, that the ward was in need of relief, and that the plaintiff was entitled to recover of the town for the expenses incurred by him for the ward subsequently to notice and request. *Fiske* v. *Lincoln*, 19 Pick. 473 (1837).

200. As the relation of guardian and ward subsisted between the plaintiff and the pauper, the objection that the plaintiff was not obliged to relieve the pauper because the latter was not living with him but with another inhabitant of the town, was held to be inapplicable. *Ib*.

201. Where the plaintiff made a contract with the father of a female child to take her into his family, and for her services to maintain her in sickness and in health during the pleasure of the parties, and afterwards, when she had become ill, gave notice of the fact to the overseers of the poor, and requested assistance from the town for her support, it was held, that as he had not given the father notice of his wish to put an end to the contract, it

continued in force, and he had no right of action against the town for supporting the child. *Peters* v. *Westborough*, 20 Pick. 506 (1838).

202. Since the Rev. Sts. c. 46, § 18, a person, though not an inhabitant of the town where a pauper falls into distress, may recover of such town any expense necessarily incurred by him for the relief of the pauper in said town, after notice and request made to the overseers of the poor of the town, and their neglect to provide for the pauper. *Underwood* v. *Scituate*, 7 Met. 214 (1843).

203. A physician, an inhabitant of the town of H., immediately after attending upon a person in the town of S., to whom he had been called, and who had received a wound, and was proper subject of relief by that town, gave notice to one of the overseers of the poor of said town, that said person needed and would need surgical assistance, but did not wish to be considered a pauper. He also requested said overseer to inform him whether the town of S. would pay him for the services which he had rendered and which it would be necessary to render. The overseers of the poor of S. took no order on this notice and request, and neglected to make any provision for said person. *Held*, that this notice and request were sufficient to entitle the physician to recover from the town of S. compensation for his services in attending upon said person until he was cured. *Ib.*

204. The provision in the Rev. Sts. c. 46, § 18, (Gen. Sts. c. 70, § 16,) that "every town shall be held to pay any expense which shall be necessarily incurred, for the relief of a pauper, by any person who is not liable by law for his support, after notice and request made to the overseers of the said town, and until provision shall be made by them," applies only to expense incurred in the support of a pauper found or residing in the town. *Smith* v. *Coleraine*, 9 Met. 492 (1845).

205. A. agreed with the town of C. to support two of its paupers, for one year, for a certain sum, and removed them into an adjoining town, where they were supported during the year at his charge in the family of their son-in-law. At the end of the year the town agreed with B. to support its paupers for one year at a certain sum. The said two paupers afterwards remained in the adjoining town, in the family of their son-in-law, who was requested by A. to support them, at his charge, until they should be removed to the town of C. A. also gave notice to the overseers of the town of C. that said paupers were on his hands, and requested the overseers to provide for them. No provision was made for said paupers by the overseers, and they were supported by their son-in-law at A.'s charge. *Held*, that the town of C. was not bound to pay to A. the expense incurred by him after the first year, for the relief of these paupers. *Ib.*

206. In an action against a town, by one of the inhabitants thereof, to recover for the support of a pauper therein, the plaintiff cannot prevail, unless he has given to the overseers of the poor of the town the notice required by statute, and it is not enough to show that the overseers had actual knowledge that the pauper was at the plaintiff's house and supported by him. *Walker* v. *Southbridge*, 4 Cush. 199 (1849).

207. The notice and request to overseers of the poor, after which a town is made liable by the statute to an individual for expense incurred by him in the support of a pauper, are conditions precedent to such liability. Such request must be an intelligible call on the overseers to take charge of the pauper at the expense of the town, and must be made by the individual himself claiming to recover, or by his agent or messenger. *Williams* v. *Braintree*, 6 Cush. 399 (1850).

208. Where the plaintiff had been rendering assistance gratuitously in the family of her married daughter for some weeks, as nurse and housekeeper, and continued her services there after all the members of the family had become ill of the small pox, and stood in need of relief as paupers, but requested another person "to call on the overseers of the poor for more help, or a person to take care of said paupers instead of herself, for she could not stand it any longer;" in an action against the town to recover for services subsequently rendered, it was left to the jury as a question of fact, to find whether the plaintiff intended, by such message, to give notice to the overseers that she should thereafter render her services on the credit of the town, or only that the famliy needed further assistance in addition to her services, which she should continne to render without compensation. It was held, that the plaintiff had no ground of exception to this ruling. *Ib.*

209. Where a state pauper, for whose support provision is made in one town, voluntarily and without any cause of complaint, leaves the place of such support and goes into another town where he is not in any need of immediate relief, and is there supported by an individual, the latter acquires no cause of action thereby against the last-mentioned town. *Shearer* v. *Shelburne*, 10 Cush. 3 (1852).

210. If the municipal authorities of a town have provided supplies for distribution among those out of the almshouse who need relief, upon orders of the overseers of the poor, and have given notice thereof to the overseers, the latter have no authority to contract debts in behalf of the town for the support of the poor; and one who, having knowledge of the facts,

furnishes supplies to persons settled in such town, upon orders of the overseers, cannot maintain an action against the town to recover for the same. But if he furnishes supplies upon such orders to persons settled elsewhere, he may recover from the town the amount actually received by it, on account of such supplies, from the towns which were liable to support the persons who were relieved thereby. *Ireland* v. *Newburyport*, 8 Allen, 73 (1864).

211. Under Gen. Sts. c. 70, § 16, an individual cannot recover of the town where a pauper has his settlement for necessary relief furnished to the pauper in another town, although the former town has made provision, which proves inadequate, for the pauper's support in the latter town. *Hawes* v. *Hanson*, 9 Allen, 134 (1864).

(c) By Towns against Individuals.

St. 1817, c. 186, § 5.

212. Prior to St. 1817, c. 186, a pauper was not liable to an action by the town wherein he had his lawful settlement, for any moneys paid for his relief as a pauper. *Deer Isle* v. *Eaton*, 12 Mass 327 (1815). *Medford* v. *Learned*, 16 Mass. 215 (1819).

213. St. 1817, c. 186, was repealed when the revised statutes took effect, and since the passage of the revised statutes a person relieved as a pauper, whether he has or has not property, is not liable to an action by the town to recover compensation for such relief. *Groveland* v. *Medford*, 1 Allen, 23 (1861).

214. The only claim a town now has upon the property of a person supported as a pauper is to take it after his death, if he was at the time of his death actually chargeable to the town. *Ib.* See Gen. Sts. c. 70, § 21; *Haynes* v. *Welles*, 6 Pick. 462.

215. One who, being in need of immediate relief and support, has received the same from the town of his lawful settlement, is not, in the absence of fraud, liable to an action by the town therefor, although he was possessed of property at the time. *Stow* v. *Sawyer*, 3 Allen, 515 (1862).

216. If the overseers of the poor relieve the wants of a wife whose husband has a legal settlement in another town, an action lies at the common law for the town whose overseers furnished the relief, against the husband, notwithstanding the statute remedy against the town of his settlement. *Hanover* v. *Turner*, 14 Mass. 227 (1817). See *Brookfield* v. *Allen*, 6 Allen, 585.

217. A town may maintain an action against an individual for supplies furnished to his wife and children, if they stood in need of support as paupers, but not otherwise. *New Bedford* v. *Chace*, 5 Gray, 28 (1855).

218. A town, which supports a wife neglected by her husband and standing in need of relief, may recover of the husband the amount necessary for her support as a pauper, but not for further supplies suitable to her condition in life, but not necessary for a pauper. *Monson* v. *Williams*, 6 Gray, 416 (1856).

219. A contract made with the brother of a female pauper by a committee appointed by a town "to negotiate the case" of that pauper, and signed by the committee in their own names, the terms of which are, that the brother shall pay the town a certain sum annually during the life of the pauper, and release all claim to a certain fund in the hands of another relation for her support, and the town shall support her and save him harmless from all litigation with his brothers in relation to such support, which contract is afterwards acted upon by the brother and the town, is valid, and binds the town, though not expressly ratified by them. *Palmer* v. *Ferry*, 6 Gray, 420 (1856).

(d) By Towns against Towns.

(1) *When and for what the Action will lie; and of the Pleadings, Evidence and Trial.*

220. A town which voluntarily maintains a pauper having a settlement in another town, cannot recover compensation therefor of such other town, except by virtue of provisions of statute, or on an express promise. *Dalton* v. *Hinsdale*, 6 Mass. 501 (1810).

221. In an action by one town against another, under St. 1793, c. 59, § 9, the declaration must aver the settlement of the pauper, and notice to the defendant town within three months from the commencement of the expense. *Salem* v. *Andover*, 3 Mass. 436 (1807). *Wrentham* v. *Attleborough*, 5 Mass. 434 (1809).

222. Such action will not lie if notice has not been given to the defendant town until more than three months after the supplies have ceased to be furnished; but whether this limitation extends to the expenses of the removal or burial of the pauper, *quære*. *Bath* v. *Freeport*, 5 Mass. 325 (1809).

223. Where notice was given of a pauper's becoming chargeable in March, 1811, and again in October, 1812, and an action was commenced in May, 1813, the defendant town was held liable only for the expenses incurred during three months preceding the last notice. *Townsend* v. *Billerica*, 10 Mass. 411 (1813). See 23 Pick. 158.

224. No action lies in behalf of another town against the town of a pauper's settlement for any expenses incurred more than two

years before the commencement of the action. *Readfield* v. *Dresden*, 12 Mass. 316 (1815).

225. The notice to the town of a pauper's settlement respecting supplies furnished to the pauper by another town must have been given within two years before the commencement of an action by the latter town against the former to recover for such supplies, in order to maintain such action, no judgment having been recovered in any former action concerning the pauper's settlement between the same parties. *Needham* v. *Newton*, 12 Mass. 452 (1815).

226. Expenses incurred in the support of a pauper, although within three months prior to giving the notice required by the statute, cannot be recovered if they arose more than two years before the commencement of the action. *Harwich* v. *Hallowell*, 14 Mass. 184 (1817).

227. Although the same plaintiffs have, in a former action, recovered from the same defendants expenses incurred for the support of the same pauper. And the notice given before the former action does not make a new notice unnecessary. *Hallowell* v. *Harwich*, 14 Mass. 186 (1817). See 23 Pick. 159.

228. The limitation of two years, within which the action must be brought, should be computed from the delivery of the notice, and not from its date. *Uxbridge* v. *Seekonk*, 10 Pick. 150 (1830).

229. In an action by a town for the support of a pauper, a charge for the expense and trouble of the overseers in providing for the abode and support of the pauper cannot be recovered. *Conway* v. *Deerfield*, 11 Mass. 327 (1814).

230. A town which has supported paupers properly chargeable to another town ought to be fully indemnified for all the expense properly incurred, but not for an extravagant sum, paid without notice to such other town. *Southbridge* v. *Charlton*, 15 Mass. 248 (1818). But see Gen. Sts. c. 70, § 14.

231. To entitle a town which has supported a pauper belonging to another town, to recover an indemnification, it is not necessary that the pauper be actually resident in the town at the time of giving notice to the town in which he has his legal settlement. It is sufficient that he was then supported at the expense of the town so giving the notice. *Marlborough* v. *Rutland*, 11 Mass. 483 (1814). See 12 Pick. 6; 1 Gray, 515.

232. When a pauper falls into distress in a place other than that of his settlement, he is to be relieved; and it does not lie with the town of his settlement to object, in an action against them for his support, that he was able, but unwilling, to provide for himself. *Paris* v. *Hiram*, 12 Mass. 262 (1815).

233. Where an inhabitant of the town of A., after a refusal by the overseers, had himself supported a pauper having his lawful settlement in B., and afterwards recovered satisfaction therefor of the town of A., it was held, that A. could not maintain an action against B., although such satisfaction was recovered within two years, the original expense having been incurred more than two years before the commencement of the action. *Readfield* v. *Dresden*, 12 Mass. 316 (1815).

234. Where an individual in a town gave notice to the overseers of the poor that he was supporting a pauper, and that he should look to the town for his pay, and the overseers thereupon gave notice to the town where the pauper had his settlement, that he had become chargeable, it was held, that the first town, though they had not paid such individual, might maintain an action against the other town for the support of the pauper. *Westfield* v. *Southwick*, 17 Pick. 68 (1835).

235. If a town relieves, as a pauper, a person imprisoned in a jail therein, it is no defence to an action to recover compensation therefor against the town of the pauper's settlement, that the pauper was unlawfully committed to the jail. *Taunton* v. *Westport*, 12 Mass. 355 (1815).

236. A town is not liable to another town for the support of an alien married to a woman having a legal settlement in the defendant town. *Cambridge* v. *Charlestown*, 13 Mass. 501 (1816).

237. By an act incorporating a town from part of an old one, it was provided that the two towns should bear their proportionate part of supporting the poor, which were at that time relieved by the elder town. Afterwards the two towns made an agreement that if any person should thereafter be returned as a pauper, having a right to a support from the elder town, the new town should be bound to support him, if his last residence had been in that territory which constituted the new town. It was held, that the agreement was not binding on the new town, and that it was not bound to support a pauper thus situated. *Norton* v. *Mansfield*, 16 Mass. 48 (1819).

238. Notwithstanding the proviso in St. 1793, c. 59, § 9, (Gen. Sts. c. 70, § 12,) an action will lie against a town after two years, upon a verbal express promise of the overseers of the poor to pay the expenses incurred in supporting a pauper legally chargeable to the town; such a promise being barred only by the general statute of limitations. *Belfast* v. *Leominster*, 1 Pick. 123 (1822).

239. The obligation imposed on a town by statute to support paupers is a good consideration for an express promise. *Ib.*

240. A pauper, for whose support provision was made in the town of W., in which she had a settlement, went into the adjoining town of N. S., and there expenses were in-

curred for her support, although the pauper herself, the person with whom she there resided, and the inhabitants of N. S., all knew that a place was provided for her in W., to which she was able to walk without difficulty. *Held*, that N. S. could not recover of W. for these expenses. *New Salem* v. *Wendell*, 2 Pick. 341 (1824).

241. Upon a question whether a deceased person had a settlement, his declaration that he had no deed, but a writing to give him a deed, of certain land, was admitted to rebut the presumption arising from long possession by himself and his grantee, that he was seised of an estate in freehold. *West Cambridge* v. *Lexington*, 2 Pick. 536 (1824).

242. Where a pauper, after an action brought by one town against another to recover expenses incurred in his support, continues chargeable to the plaintiffs, to sustain an action for the new expenses, brought pending the first, a new notice is required. *Walpole* v. *Hopkinton*, 4 Pick. 358 (1827).

243. Whether a town can at any time set up their own illegal proceedings or those of their officers, in the assessment of a tax, after the tax has been paid, to defeat a settlement gained thereby, *quære*. But where so long a time had elapsed since the payment of the tax that no claim for reimbursement could be sustained, it was held, that they could not. *Charlemont* v. *Conway*, 8 Pick. 408 (1830).

244. Where the assessors assessed more than five per cent. over and above the sum committed to them to assess, it was held, that the tax was not duly assessed, within the meaning of St. 1793, c. 34, relative to gaining a settlement (Gen. Sts. c. 69, § 1, cl. 12). *Ib.*

245. In an action brought by the town of W. against the town of O. for expenses incurred in the support of a pauper, on the question whether the pauper derived a settlement in O. from his grandfather through his father, it was held, that copies of a deed executed by the grandfather in 1754, in which he was described as being of O., and of his last will, made in 1758, in which he was described as "now resident in O.," were admissible evidence to prove that the grandfather gained a settlement in O. under Prov. St. 12 & 13 Will. III. c. 10. *Ward* v. *Oxford*, 8 Pick. 476 (1829).

246. *Held*, also, that evidence proving that the grandfather, for a long time before 1754, had a settlement in the town of S., and that afterwards, for years previous to 1784, the father of the pauper was supported as a pauper by S., was admissible to rebut the presumption arising from the description of the grandfather in the will and deed. *Ib.*

247. In an action between two towns to recover the amount of expenses incurred by the plaintiff town in relieving a person whose settlement was in the defendant town, the fact that such person might, by going a short distance, have obtained of his debtor as much money as was expended for his relief, was held not to be conclusive evidence that he was not a pauper. *Sturbridge* v. *Holland*, 11 Pick. 459 (1831).

248. But if he was not a pauper, evidence is admissible to show that he was in distress, under such circumstances as to require immediate aid from the plaintiffs. *Ib.*

249. Where a pauper whose legal settlement was in the town of S. was relieved by the overseers of the poor of the town of C., and upon notice the expenses were reimbursed by the overseers of the poor of the town of E. S., upon the supposition that his legal settlement was in E. S., it was held, that the town of E. S. could not maintain an action for repayment against the town of S. *East Sudbury* v. *Sudbury*, 12 Pick. 1 (1831).

250. Under St. 1793, c. 59, § 9, (Gen. Sts. c. 70, § 12,) whereby a town furnishing support to a pauper may be entitled under certain circumstances to recover against the town in which the pauper has his settlement, for expenses incurred within a period of three months before, and two years after, notice of the pauper's having become chargeable, it is immaterial whether the support has been continuous or only occasional. *Attleborough* v. *Mansfield*, 15 Pick. 19 (1833).

251. In an action by one town against another to recover expenses incurred in the support of a pauper, it was held, that a notification addressed to the pauper by an inhabitant of a third town, warning him to attend a district school meeting therein, was competent for the purpose of proving that the pauper resided at that time in such third town, it being testified by such inhabitant that he delivered the notification to the pauper. *West Boylston* v. *Sterling*, 17 Pick. 126 (1835).

252. In an action between two towns, it appeared that paupers having their settlement in the defendant town received support and medical attendance in the plaintiff town, and within thirty days after notice of that fact from the plaintiffs, the defendants made a contract with a person living in the plaintiff town, at whose house the paupers were, to keep them at the defendants' expense, and made provision for medical attendance; which the defendants made known immediately to one of the overseers and one of the selectmen of the plaintiff town, and offered to settle with them for the relief already furnished; whereupon the overseer and selectman made out a bill, charging the defendants at the rate of one dollar a week for each of the paupers, and an

item for the funeral expenses of one of them, and the overseer receipted it and received the amount of it from the defendants. The paupers not being afterwards removed by the defendants before the expiration of the thirty days, the plaintiffs brought an action to recover the full amount of the expenses incurred by them; but it was held, that the settlement made by the parties was a bar to the plaintiffs' claim. *Medway* v. *Milford*, 21 Pick. 349 (1838).

253. On the question of a pauper's settlement, which depended on the settlement of an ancestor acquired by his dwelling in a house on or near the boundary line between two towns, which house was pulled down a long time ago, it was held, that the declarations of aged persons, since deceased, who lived in its vicinity, made while it was occupied by the ancestor, were admissible to show the position of the house in relation to the dividing line between the two towns. *Abington* v. *North Bridgewater*, 23 Pick. 170 (1840).

254. In an action by one town against another for the support of a pauper, who was the illegitimate son of a married woman, the plaintiff town having proved her settlement to have been originally in the defendant town, it was held, that the burden of proof was on the defendant town, to show that the husband had a settlement in some other town in the Commonwealth, and so that her settlement was changed by her marriage, and not on the plaintiffs to prove that the husband either had his settlement in the defendant town or had no settlement in the Commonwealth. (Putnam, J. dissenting.) *Randolph* v. *Easton*, 23 Pick. 242 (1840).

255. Where it is shown, in a suit against a town for the support of a pauper, that his personal property was set, in the valuation of the estates of the town, at the sum mentioned in St. 1793, c. 34, and Rev. Sts. c. 45, (Gen. Sts. c. 69, § 1, cl. 5,) and that he was assessed for the same for five successive years, such town cannot avail itself of the objection that there was not in the valuation any schedule or description of the property as directed by statute. *Boston* v. *Dedham*, 4 Met. 178 (1842).

256. Under the Rev. Sts. c. 143, §§ 15, 16, (Gen. Sts. c. 178, §§ 57, 58,) which provide that the expense of supporting a pauper in a house of correction "may be recovered of the town wherein he shall have his lawful settlement," the town in which he has a settlement when such expense is incurred, is liable therefor, although he gains a settlement in another town before such expense is audited and certified by the overseers of such house. *Boston* v. *Amesbury*, 4 Met. 278 (1842).

257. The persons and corporations that are made conditionally liable by Rev. Sts. c. 143, §§ 15, 16, (Gen. Sts. c. 178, §§ 57, 58,) for the support of persons committed to a house of correction, cannot be held to pay for such support, unless the account thereof be audited and certified by the overseers of such house within the time prescribed by those statutes. *Ib.*

258. Where a pauper was confined in a house of correction from December 1836 to April 1837, and the account of the expense of his support was not audited and certified by the overseers until January 1839, it was held, that the town in which he had his settlement was not liable for such support. *Ib.*

259. A town in which a convict who is committed to a house of correction, has a settlement, is not liable by any statute to pay the expense of supporting him in such house, unless he be committed by virtue of the fifth or sixth section of c. 143 of the revised statutes (Gen. Sts. c. 161, § 21; c. 165, § 28). *Boston* v. *Dedham*, 8 Met. 513 (1844).

259 *a*. Persons committed to a house of correction under St. 1787, c. 54, as rogues, common vagabonds, common beggars, or other idle, disorderly, or lewd persons, are there maintained, not as paupers, but as criminals, and previously to the passing of St. 1826, c. 142, the keeper of such house, in order to recover of the towns where such persons have their settlements, the expenses incurred for their support, must have made a demand in writing in accordance with the requirements of St. 1802, c. 22, § 2. *Boston* v. *Westford*, 12 Pick. 16 (1831).

259 *b*. Where, in an action instituted under Sts. 1824, c. 28, § 3; 1834, c. 151, § 10; and Rev. Sts. c. 143, § 16, to recover expenses incurred for the support of a prisoner in the house of correction in Boston, it appeared that the demand of payment, which is a prerequisite to the institution of such an action, was made by a person deriving his authority neither from the city nor from the master of the house of correction, but solely from the overseers of the house of correction, it was held, that such demand was insufficient. *Boston* v. *Weston*, 22 Pick. 211 (1839). See Gen. Sts. c. 178, §§ 57–59.

260. When a town, on receiving notice that one of its paupers is supported in another town, replies to the notice by denying that his settlement is in the town, and neither removes him nor makes any provision for his support, it is liable, without any new notice, for the expenses incurred by the other town for his support, after the notice as well as before, until suit brought. *Topsfield* v. *Middleton*, 8 Met. 564 (1844).

261. The town of D., on receiving notice from the town of P., that certain paupers,

whose settlement P. alleged to be in D., were supported in P., immediately paid the expense that had been incurred by P. for their support, removed part of the paupers to D., and made provision for the support of the others in P. for the term of about forty days. Within two months from the time of receiving said notice from P., the overseers of the poor of D. replied to that notice, denying that D. was liable to support said paupers, and refusing to pay P. for any further support of them. *Held*, that the town of P. could not maintain an action against the town of D. for the subsequent support of said paupers, without first giving D. a new notice. *Palmer* v. *Dana*, 9 Met. 587 (1845).

262. In an action against a town to recover for the support of a pauper whose settlement was once in that town, the burden of proving that he afterwards acquired a settlement in another town, is on the defendants. *Oakham* v. *Sutton*, 13 Met. 192 (1847).

263. In an action for the support of a pauper, whose settlement is proved to have once been in the town defending, the burden of proving that he has since acquired a new settlement by residing for the space of ten years together in another town, is upon the defendant town. *Worcester* v. *Wilbraham*, 13 Gray, 586 (1859).

264. Grants of land are admissible in evidence as circumstances tending to show that the grantee, at their respective dates, dwelt in that part of the town in which the land was. *Hingham* v. *South Scituate*, 7 Gray, 229 (1856).

265. In an indenture of partition of lands in 1744 among the heirs of one deceased in 1742, a description of one parcel as "fifty-nine acres of land lying in S., being part of the homestead of the said deceased," is no evidence of his having had a dwelling in S. in 1695. *Ib.*

266. A description, in a town record, of land laid out in 1696, as "adjoining to the fence of C.'s home pasture," is admissible against a town subsequently created out of part of that town, to prove that C. then dwelt in that part of the town in which the land was. *Ib.*

267. By St. 1853, c. 338, § 3, dividing the town of Middleborough, and incorporating a part of it into a new town called Lakeville, it is provided that the said towns "shall hereafter be respectively liable for the support of all such persons, who now are relieved, or hereafter may be relieved, as paupers, whose settlement was gained by, or derived from a residence within their respective limits." In an action against the town of Middleborough to recover for expenses incurred in the support of a pauper, it was held, that the burden of proof was on the plaintiff to show that the pauper gained a settlement in Middleborough from a residence within its present limits; and that it was not sufficient to show that the pauper had a settlement in the old town of Middleborough, without proving that such settlement was not gained by a residence within the limits of Lakeville. *New Bedford* v. *Middleborough*, 16 Gray, (1860). And see *Hingham* v. *South Scituate*, 7 Gray, 230, 231.

268. The town of a pauper's settlement is not liable to another town in which the pauper becomes furiously insane and falls into distress, for the expenses of his removal to an asylum for the insane in another state, and for his support and medical attendance there, even though a removal to some asylum be necessary to the comfort and relief of the pauper, and as a matter of economy and humanity. *Deerfield* v. *Greenfield*, 1 Gray, 514 (1854).

269. Under Rev. Sts. c. 46, § 13, (Gen. Sts. c. 70, § 12,) a town which has furnished relief to a person found therein and standing in need of immediate relief may recover the expenses thereof from the town of his settlement, although sufficient provision may have been made for his general support by his father's will. *Groveland* v. *Medford*, 1 Allen, 23 (1861).

270. A town which has paid money for the support of a criminal in its workhouse cannot maintain an action to recover the same from the town where he had his settlement. *Worcester* v. *Auburn*, 4 Allen, 574 (1862).

271. In an action to recover for expenses incurred in support of a pauper, against a town in which his settlement is sought to be established by reason of a marriage existing before the passage of St. 1845, c. 222, (Gen. Sts. c. 107, § 2,) it cannot be shown in defence that the marriage was invalid by reason of the insanity of one of the parties. *Goshen* v. *Richmond*, 4 Allen, 458 (1862).

272. If a person whose settlement is in dispute is proved to have removed from one town to another, a new trial will not be granted on account of the admission of evidence, for the purpose of proving his domicil in the latter town, that he came to the latter town and said that he had sold out at the former town, and had come down and wanted to go to work; provided no special request was made for an instruction to the jury that his declaration was not of itself competent evidence of the fact of his selling out in the former town. *Monson* v. *Palmer*, 8 Allen, 551 (1864).

273. The admission of an overseer of the poor, in giving directions for a pauper's relief to one who has the care of the town's poor, that the pauper has a settlement in the town, derived from an ancestor, is not competent

evidence against the town in an action subsequently brought against it by another town for another cause, in which the settlement of another pauper, which depends upon the settlement of that ancestor, is in controversy. *Dartmouth* v. *Lakeville*, 7 Allen, 284 (1863).

274. The admission of overseers of the poor, in a binding-out indenture, that a certain pauper is chargeable to their town, and their acts in paying bills to other towns for his support, are not admissible in evidence against the town in a litigation growing out of subsequent acts, for the purpose of showing that he and his descendants have their settlement therein. In performing these duties, they act as public officers, and not as agents of the town. *New Bedford* v. *Taunton*, 9 Allen, 207 (1864).

(2) *Of the Notice.*

275. Notice from one town to another, to obtain the removal of a pauper or a reimbursement of the expenses of a pauper's support, is sufficient, if it be given to one of the overseers of the town on which the claim is made; but it must be in writing, and signed by a major part of the overseers of the town giving the notice, or perhaps by an agent duly authorized by the town. *Dalton* v. *Hinsdale*, 6 Mass. 501 (1810).

276. A notice was held to be sufficient which stated that the pauper had her settlement in the defendant town; that she was, at the time of the notice, resident in the plaintiff town; that she required support, and that it had been afforded to her by the plaintiff's overseers; and that the same was charged to the defendant town; and requested her removal. *Quincy* v. *Braintree*, 5 Mass. 86 (1809).

277. It is unnecessary that the notice should state the facts which would show a legal settlement of the pauper in the defendant town, or the manner in which the settlement was obtained. *Ib. Northfield* v. *Taunton*, 4 Met. 437 (1842).

278. A notice to a town to be charged with the support of a pauper, signed by one overseer of the poor, by order of all the overseers, is sufficient. *Westminster* v. *Bernardston*, 8 Mass. 104 (1811). And see 4 Mass. 275.

279. Under the Rev. Sts. c. 46, § 19, (Gen. Sts. c. 70, § 17,) a notification, signed by "J. D., chairman of the board of overseers of the poor" of a town, and sent to the overseers of the poor of another town, requesting them to remove a pauper, is sufficient, if otherwise in due form. *Northfield* v. *Taunton*, 4 Met. 433 (1842).

280. Although a notification, given by overseers of the poor, stating that A. and his wife and four children have become chargeable, &c., is defective, if A. have more than four children in his family, yet if such notification be answered, without objection to its generality, that objection is thereby waived. *Ib. Commonwealth* v. *Dracut*, 8 Gray, 455 (1857).

281. A notice from the overseers of one town to those of another that "the family of J. S." has become chargeable, was held to be too general; but the answer of the other town denying the settlement, but taking no exception to the deficiency of the notice, it was held, that the objection was waived. *Embden* v. *Augusta*, 12 Mass. 307 (1815).

282. A town sent a notice to another town that "A. B. and his family" had become chargeable, and had their lawful settlement in such other town. An answer was returned that A. B. had no such settlement, no objection being taken to the sufficiency of the notice as to the family. It was held, that such objection was waived. *Shutesbury* v. *Oxford*, 16 Mass. 102 (1819).

283. All objections to the sufficiency of a notice to charge a town with the support of a pauper are waived by returning an answer simply denying all liability on the ground that the pauper has no settlement in the town. *Paris* v. *Hiram*, 12 Mass. 267 (1815). *Commonwealth* v. *Dracut*, 8 Gray, 455 (1857).

284. The overseers of the poor of O. sent the following notice to those of S.: "A. E. and wife and three children, who have their legal settlement in your town, is now chargeable to this town. This is therefore to notify you to remove said paupers," &c. The overseers of S. answered, "We acknowledge the receipt of your letter, &c., stating that A. E. is in your town on expense, &c. We are satisfied that he has not gained a settlement in our town. We therefore shall not pay any expense for his support." It was held, that the notice was sufficiently certain as to all the paupers; but if insufficient, that the objection was waived by the answer. *Orange* v. *Sudbury*, 10 Pick. 22 (1830).

285. A notice by the overseers of the town of A. to those of the town of B that expenses had been incurred for the support of "O. S., widow of G. S., who was an inhabitant of B." was held to be sufficient, and the meaning of these words was held to be, that the widow was an inhabitant of B. *Uxbridge* v. *Seekonk*, 10 Pick. 150 (1830).

286. Notice to the town of a pauper's settlement that such pauper has become chargeable in another town, is not notice that his wife and children have also become chargeable. *Andover* v. *Canton*, 13 Mass. 547 (1816).

287. A letter from the overseers of the poor of one town to those of another, to obtain a reimbursement of the expenses of supporting a pauper, was received and answered. A mistake in this letter was cor-

rected in a second letter, which was received but not answered, referring to the first. It was held, that the second, which by itself was an insufficient notice, might be taken in connection with the first, so as to constitute a sufficient notice from the time when the second was received. *Shelburne* v. *Rochester*, 1 Pick. 470 (1823).

288. A notice respecting a pauper whose Christian name was Sally, calling her "Sarah or Sally," was held to be sufficient. *Ib.*

289. A notice that "E. S. and her three children" have become chargeable, she having four, was held to be too general as to the children, but sufficient as to E. S. *Walpole* v. *Hopkinton*, 4 Pick. 358 (1827).

290. P. Baxter, a pauper, known in the town of L. by the name of P. La Barron, was called, in a notice from that town to the town of N., P. Labern, and the overseers of the poor of N., after ascertaining what person was intended, returned an answer that P. Labern had not a settlement in N. *Held*, that the notice was insufficient. *Lanesborough* v. *New Ashford*, 5 Pick. 190 (1827).

291. A notice by overseers of the poor that expenses had been incurred for the support of "the child of Miss H. W., the daughter of T. W., who are inhabitants of the town of W.," was held to be sufficient to sustain an action against such town. *Ware* v. *Williamstown*, 8 Pick. 388 (1829).

292. In an action by one town against another, to recover expenses incurred in the support of a pauper, a notice signed by A. and B. as selectmen, they being overseers of the poor by virtue of their office of selectmen, was held sufficient. *Ashby* v. *Lunenburg*, 8 Pick. 563 (1830).

293. A written notification as follows, "To the overseers of the poor of the city of N. — Gentlemen — Mrs. A. B. and three children, whose legal settlement is in your city, but now residing in L., being in needy circumstances, has applied to this board for relief, which we have granted and charged to your city, and shall continue so to do until you remove or otherwise provide for their support. In behalf of the overseers of the poor of the city of L. —— C. D. Secretary," is sufficient, under Gen. Sts. c. 70, § 17. *Lynn* v. *Newburyport*, 5 Allen, 545 (1863).

294. Where notice was given in March 1811, of a pauper's becoming chargeable, and again in October 1812, and an action was commenced in May 1813, the defendant town was held liable only for the expenses incurred within three months before the last notice. *Townsend* v. *Billerica*, 10 Mass. 411 (1813).

295. A notice by the overseers of the poor of one town to those of another that a person has become chargeable as a pauper, given within three months after the expenses were paid, but not within three months after they were incurred, is insufficient. *East Sudbury* v. *Sudbury*, 12 Pick. 1 (1831).

296. A notice sent by mail, the postage being unpaid, was held not to be sufficient; although it reached the post office of the defendant town, and was there refused. *Groton* v. *Lancaster*, 16 Mass. 110 (1819).

297. Where a notice to overseers was delivered to and received by one of them while attending to his duties as a member of the legislature, at a distance from his town, the delivery was held sufficient. *Walpole* v. *Hopkinton*, 4 Pick. 358 (1827).

298. When, in consequence of notice to the overseers of the town of a pauper's settlement, they provide for him; if the pauper afterwards receives aid from the same town which gave the notice, a new notice is necessary in order to charge the town of his settlement. *Sidney* v. *Augusta*, 12 Mass. 316 (1815).

299. Where a pauper, after an action brought by one town against another, to recover expenses incurred in his support, continues chargeable to the plaintiffs, to sustain an action for the new expenses, brought pending the first, a new notice is required. *Walpole* v. *Hopkinton*, 4 Pick. 358 (1827).

300. If the town furnishing the supplies sue for them, it cannot again, without a new notice, recover for any expenses incurred after the commencement of the first action. *Hallowell* v. *Harwich*, 14 Mass. 186 (1817).

301. The town of D., on receiving notice from the town of P., that certain paupers, whose settlement P. alleged to be in D., were supported in P., immediately paid the expense that had been incurred by P. for their support, removed part of the paupers to D., and made provision for the support of the others in P. for the term of about forty days. Within two months from the time of receiving said notice from P., the overseers of the poor of D. replied thereto, denying that D. was liable to support said paupers, and refusing to pay P. for any further support of them. It was held, that P. could not maintain an action against D. for the subsequent support of said paupers, without first giving D. a new notice. *Palmer* v. *Dana*, 9 Met. 587 (1845).

302. Where a town incurs expenses, under St. 1837, c. 244, § 1, (Gen. Sts. c. 26, § 16,) on account of paupers having a legal settlement in another town, the former is bound to give reasonable notice to the latter before commencing an action for such expenses, and the selectmen of the respective towns are proper officers to give and receive such notice. *Springfield* v. *Worcester*, 2 Cush. 52 (1848).

303. On the 5th of May 1846, a poor person having a legal settlement in W., fell ill of the

small pox in S., and was there relieved in pursuance of the provisions of St. 1837, c. 244, § 1, (Gen. Sts. c. 26, § 16,) and the selectmen of S. on the 25th of the same month gave notice of the pauper's sickness and of the expenses incurred on his account to the selectmen of W.; it was held, that such notice was reasonable and sufficient. *Ib.*

(3) *Estoppel.*

304. If a town is duly notified under St. 1793, c. 59, § 12, (Gen. Sts. c. 70, § 17,) and requested to remove a pauper, and if its overseers have neglected for two months after the notice and request to make any objection thereto or to remove the pauper, the town is barred from contesting with the town giving the notice the settlement of the pauper. *Topsham* v. *Harpswell*, 1 Mass. 518 (1805). And from showing that the pauper was of sufficient ability to support himself. *Freeport* v. *Edgecumbe*, Ib. 459.

305. Even although the pauper may have in fact no settlement in any town within the Commonwealth. *Westminster* v. *Bernardston*, 8 Mass. 104 (1811).

306. A town which voluntarily pays the expenses incurred by another town for the support of a pauper, on notice and without objection, is not thereby estopped from denying the settlement of the pauper in an action brought by the same town to recover for subsequent expenses incurred for the pauper. *Leicester* v. *Rehoboth*, 4 Mass. 180 (1808). *Bridgewater* v. *Dartmouth*, Ib. 273. *Needham* v. *Newton*, 12 Mass. 454 (1815).

307. A voluntary payment by a town of a demand for the support of a pauper, after suit brought, does not estop the town to contest the settlement of such pauper's mother in another suit brought by the same plaintiffs to recover for her support. *Edgartown* v. *Tisbury*, 10 Cush. 408 (1852).

308. A notice from one town to another, claiming reimbursement for the expense of supporting a pauper, given pending an action for the recovery of such expense, or after its final decision, although unanswered, operates no estoppel on the town notified, to deny the settlement of the pauper with them. *Newton* v. *Randolph*, 16 Mass. 426 (1820).

309. If the town notified returns within two months a written answer, signed by one of its selectmen, who is also overseer of the poor, denying the settlement of the pauper, it is not estopped from afterwards disputing the settlement. *Bridgewater* v. *Dartmouth*, 4 Mass. 273 (1808).

310. Where, in an action against the town of A., for expenses incurred by the town of B. in the support of a pauper, it appeared that the pauper's settlement was not in A., but that the defendants were estopped from denying the settlement, and a verdict was given against them; the court refused to set aside the verdict for the purpose of permitting the defendants to pay the money found due by the verdict, and thus prevent a judgment, which would bar them upon the question of settlement, as to any after expenses. *Greene* v. *Monmouth*, 7 Mass. 467 (1811).

311. It is not a bar to an action by the town of A. against the town of B. to recover the expenses of supporting a pauper, that the plaintiffs had given notice to the town of C. and claimed payment of the same sums; and such notice not being answered according to the statute, had recovered judgment therefor against the town of C. *Braintree* v. *Hingham*, 17 Mass. 432 (1821).

312. Where the town of E., upon receiving a notice that a person had become chargeable in another town as a pauper, replied thereto denying its liability for his support, but no action was commenced thereon, and before the expiration of two years a second notice was received in relation to the same pauper, to which no reply was made within two months, it was held, that the town of E. was not estopped, by its neglect to make an earlier reply, from contesting the settlement of the pauper, in an action against it founded upon the second notice. *Marshpee* v. *Edgartown*, 23 Pick. 156 (1839).

313. An erroneous statement, made by the overseers of the poor of the town of A., in a notification sent by them to the town of B., respecting the means by which a pauper therein mentioned acquired a settlement in B., does not estop the town of A., in a suit against the town of B., to recover for the support of such pauper, to show that he acquired a settlement in B. by different means from those which were stated in the notification, unless that statement was made with a design to mislead. *Northfield* v. *Taunton*, 4 Met. 433 (1842).

314. If a notification be sent by the overseers of the poor of a town which has incurred expense for the relief of a pauper found therein, to the overseers of the poor of the town where his settlement is supposed to be, requesting his removal, the answer, by Gen. Sts. c. 70, § 18, must be signed by some one of the overseers; and, if it is not so signed, their town will be barred from contesting the question of his settlement, although the pauper is not actually removed there; and the answer will not be sufficient, if signed merely by another person with whom the town has contracted for the support of its paupers for that year. *Petersham* v. *Coleraine*, 9 Allen, 91 (1864).

315. Overseers to whom such an answer is sent do not waive the defect by sending a reply to the overseers of the other town, under the belief that the answer came from one of them, or by subsequently sending a new notification to them for the removal of the same pauper. *Ib.*

IV. Removal of Paupers.

316. Under St. 1793, c. 59, § 10, a pauper is not removable unless actually chargeable, or likely to become so, from one or the other of the causes mentioned in the statute. *Walpole* v. *West Cambridge*, 8 Mass. 276 (1811).

317. In a complaint, and also in an adjudication, for the removal of a pauper under that statute, it was necessary to state the cause of the likelihood of his becoming chargeable. *Ib.*

318. The alleged pauper should be summoned to appear at the examination before the magistrate. But the pauper only can avail himself of an omission to summon him, and neither of the towns contesting his settlement can take advantage of such omission. *Shirley* v. *Lunenburg*, 11 Mass. 379 (1814).

319. An adjudication that a person is "the proper poor" of a town is equivalent to an adjudication that he has his lawful settlement in such town. *Ib.*

320. Under St. 1821, c. 94, § 3, (Gen. Sts. c. 70, § 14,) the removal of the pauper is a condition precedent, which must be strictly performed; so that where a pauper, while her town was making preparations for her removal, removed of her own accord, it was held, that the town was liable for the reasonable expenses incurred for her support, although they exceeded one dollar a week. *Ware* v. *Wilbraham*, 4 Pick. 45 (1826).

321. The actual removal of a pauper by the town in which he has a settlement, within thirty days after legal notice of relief being furnished to him by another town, is a condition precedent, which must be strictly performed, in order to exempt the former town (under St. 1821, c. 94; Gen. Sts. c. 70, § 14) from a greater expense than one dollar per week; so that where such town, having, within the thirty days, prepared to remove the pauper, but, finding him too ill to be removed with safety, provided for his further relief and support in the place where he then was, by a contract with an individual, it was held, that the other town was nevertheless entitled to recover the whole amount of its expenses reasonably incurred on account of the pauper. *Seekonk* v. *Attleborough*, 7 Pick. 155 (1828).

322. A pauper having a settlement in a town in this commonwealth, cannot lawfully be carried by the overseers of the poor, against his will, to a place without the Commonwealth, to be there supported. *Westfield* v. *Southwick*, 17 Pick. 68 (1835). See *Deerfield* v. *Greenfield*, 1 Gray, 514.

323. The provision in the Rev. Sts. c. 46, § 15, (Gen. Sts. c. 70, § 14,) that "when any person shall be supported by a town, other than that in which he has his settlement, the town that is liable for his support shall not, in any case, be required to pay therefor more than at the rate of one dollar a week, provided the town that is liable for the support of the pauper shall cause him to be removed, within thirty days from the time of receiving legal notice that such support has been furnished," does not apply to the case of the removal of a pauper after his decease, though before his burial. *Webster* v. *Uxbridge*, 13 Met. 198 (1847).

324. In computing the thirty days within which a town liable for the support of a pauper, is required by Rev. Sts. c. 46, § 15, (Gen. Sts. c. 70, § 14,) to remove him from the town in which he has received support, in order to exempt the former from liability therefor at a greater rate than one dollar a week, the day on which notice is received that the support has been furnished is to be excluded. *Seekonk Rehoboth*, 8 Cush. 371 (1851).

V. Penalty for bringing a Pauper into a Town.

325. The offence intended to be punished by St. 1793, c. 59, § 15, was that of bringing a poor person into a town, with intent to leave him there, a charge and burden upon such town; and one cannot be held liable under that statute unless such intent is shown. *Greenfield* v. *Cushman*, 16 Mass. 393 (1820). *Deerfield* v. *Delano*, 1 Pick. 465 (1823).

326. An overseer of the poor does not incur the penalty by endeavoring to avoid a charge upon his town by aiding a pauper on his journey to a town in another state, although an agent of such overseer, deviating from his instructions, leaves the pauper in an adjoining town with a view to subject that town to expense. *Deerfield* v. *Delano*, 1 Pick. 465 (1823).

327. One does not incur the penalty by bringing a pauper from another state to a town in this state in which he has a settlement. *Canton* v. *Bentley*, 11 Mass. 441 (1814). *Middleborough* v. *Clark*, 2 Pick. 28 (1823).

328. In an action by the town of S. to recover a penalty for bringing into and leaving in the town a poor and indigent female, she not being lawfully settled therein, with intent to charge the town with her support, (Gen. Sts. c. 70, § 20,) the defendant justified under an

order from the overseers of the poor of the town of C., which recited that her lawful settlement was in S. and that she was actually a charge to C., and directed him, as constable, to remove her to S. It was held, that it was not necessary that the order should recite such acts and proceedings on the part of the overseers as would warrant them in issuing the order, and that the defendant was not bound to go behind the order and show that the overseers had complied with the requisitions of the law. *Sturbridge* v. *Winslow*, 21 Pick. 83 (1838).

329. It seems, that an action for the penalty in such case should be brought in the name of the Commonwealth. *Ib.*

VI. Lunatic Paupers and State Paupers.

Lunatic Paupers.

330. After the passage of St. 1834, c. 150, the treasurer of a state lunatic hospital could not maintain an action under St. 1797, c. 62, § 3, or St. 1832, c. 163, § 4, against the town from which the pauper was committed to the hospital, for his support therein previous to the passage of St. 1834, c. 150. *Foster* v. *Worcester*, 16 Pick. 71 (1834).

331. Where an insane person, who is not able to pay for his own support, is confined in a house of correction, under St. 1836, c. 223, (Gen. Sts. c. 74,) the town in which he has a settlement is liable for his support in such house, if he have no parent, master, or kindred, liable by law to maintain him. *Watson* v. *Charlestown*, 5 Met. 54 (1842). See Gen. Sts. c. 74, § 6.

332. Under St. 1834, c. 150, (Gen. Sts. c. 73,) requiring the town in which a pauper lunatic resides at the time of his commitment to a state lunatic hospital to pay the expense of supporting him while there, and giving to such town a remedy over against the town in which such lunatic has a legal settlement, notice of the expense incurred, given by the former town to the latter within three months after the hospital had demanded payment, was held to be seasonable notice to render the latter town liable to the former, if any notice is necessary, the commitment having been made by a judge of probate. *Worcester* v. *Milford*, 18 Pick. 379 (1836).

332 *a*. A town whose overseers of the poor send a lunatic pauper to a state lunatic hospital without any adjudication by any court or magistrate, may nevertheless recover their payments for his support, of the town of his legal settlement, under St. 1841, c. 77 (Gen. Sts. c. 73, § 25). Such a sending is a "commitment" of the pauper within the meaning of that statute. *Cummington* v. *Wareham*, 9 Cush. 585 (1852).

333. In an action for such expenses, by the town committing such lunatic pauper, against the town of his settlement, no recovery can be had for expenses incurred more than two years previous to the commencement of the action, or more than three months previous to notice to the defendant town. *Ib.*

334. The town of a pauper's settlement is not liable to another town, in which the pauper becomes furiously insane and falls into distress, for the expenses of his removal to an asylum for the insane in another state, and for his support and medical attendance there, even though a removal to some asylum be necessary for the comfort and relief of the pauper, and as a matter of economy and humanity. *Deerfield* v. *Greenfield*, 1 Gray, 514 (1854).

335. The whole amount paid to the treasurer of a state lunatic hospital by the town in which a lunatic pauper, having a settlement within the Commonwealth, resided at the time of his commitment, for his expenses at the hospital within six years before such payment, may be recovered of the town of his settlement, by giving notice thereof within three months, and commencing an action within two years, after such payment; although part of the amount had once been paid by the Commonwealth to the hospital, on the supposition that the lunatic had no settlement within the Commonwealth, and since re-allowed by the hospital to the Commonwealth. *Andover* v. *Easthampton*, 5 Gray, 390 (1855). *Worcester* v. *Sterling*, Ib. 393, note.

336. If money paid by the Commonwealth for the support of a lunatic at a state lunatic hospital, on the mistaken supposition that he had no settlement within the Commonwealth, is retained by the Commonwealth, on discovery of the mistake, out of money due to the hospital, the treasurer of the hospital may recover from the town in which the lunatic resided at the time of his commitment, unless the defendants prove that he had no settlement in the Commonwealth, for such support during the six years previous to the commencement of the action, and for that only. *Jennison* v. *Roxbury*, 9 Gray, 32 (1857).

337. The amount paid by a town for the support at a state lunatic hospital of an insane pauper committed by the judge of probate may be recovered from the town of the pauper's settlement, within two years after the payment, although more than two years after notice. *Amherst* v. *Shelburne*, 11 Gray, 107 (1858).

338. Notice by one town to another of a claim made by the treasurer of a state lunatic hospital for the past and future support of a pauper, is sufficient to support an action for the past expenses, (though not actually paid until more than three months after,) but not

for expenses of the support of the pauper after such notice. *Ib.*

339. In an action by the treasurer of a state lunatic hospital against a town, to recover the expenses of the support of a lunatic pauper, a general verdict and judgment for the defendant in a similar action between the same parties, to which the defendant answered, among other defences, that the pauper had no settlement within the Commonwealth, is conclusive evidence that the pauper had no such settlement during the period of furnishing the supplies sued for in the former action, if that question was submitted to the jury in that case. *Jennison* v. *West Springfield*, 13 Gray, 544 (1859).

340. If a married woman has been committed as a lunatic to a state lunatic hospital, by order of a judge of probate, the town of her settlement may maintain an action against her husband to recover sums which it has been obliged to pay for her support there, although he is in destitute circumstances. *Brookfield* v. *Allen*, 6 Allen, 585 (1863).

State Paupers.

341. A town is not bound to support an alien married to a woman having her legal settlement in such town. The town furnishing relief to such alien is entitled to be reimbursed by the Commonwealth. *Cambridge* v. *Charlestown*, 13 Mass. 501 (1816). See Gen. Sts. c. 71, §§ 43, 44.

342. A town has undoubtedly a right to the services of a state pauper residing therein, to aid in his support. *Wilson* v. *Church*, 1 Pick. 26 (1822). *Commonwealth* v. *Cambridge*, 20 Pick. 272 (1838).

343. The provision in St. 1823, c. 21, (Rev. Sts. c. 46, § 30,) that no male person over the age of twelve years and under the age of sixty years, while of competent health to labor, should be entitled to support as a state pauper, was designed to prohibit the support of persons at the public expense, who were of competent health and capacity to support themselves. It was not intended to apply to such as, though able to perform some labor, yet were not able to perform enough for their entire support. *Commonwealth* v. *Cambridge*, 20 Pick. 267 (1838).

344. Under Sts. 1830, c. 120, (Rev. Sts. c. 46, §§ 31, 32,) if the earnings collectively of all the state paupers supported by a town, during any year, together with the stated allowance made by the Commonwealth for each of them, did not exceed the expenses collectively of supporting them all during the year, the town was entitled to the whole of such earnings and allowances. *Ib.*

345. In a suit by the Commonwealth against a town, to recover back money overpaid for the support of state paupers, the accounts of the agent of the town respecting those paupers, although examined by a committee, who reported that they were correct, and whose vote was accepted by a vote of the town, are not conclusive evidence against the defendants, but may be shown to have been erroneous. *Commonwealth* v. *Cambridge*, 4 Met. 35 (1842).

346. A town, in stating an account with the Commonwealth as to the support of state paupers, is bound to credit the value of the paupers' labor only, and not any share of the profits, if there be any, which the town derives from their labor. *Ib.*

347. Where a state pauper, for whose support provision is made in one town, voluntarily and without any cause of complaint, leaves the place of such support and goes into another town where he is not in any need of immediate relief, and is there supported by an individual, the latter acquires no cause of action thereby against the last-mentioned town, under Rev. Sts. c. 46, § 18 (Gen. Sts. c. 70, § 16). *Shearer* v. *Shelburne*, 10 Cush. 3 (1852).

348. The Commonwealth cannot recover of the town of a pauper's settlement, under St. 1855, c. 445, § 4, (Gen. Sts. c. 71, § 49,) the expenses of supporting the pauper at a state almshouse more than three months next before notice thereof to the town. *Commonwealth* v. *Dracut*, 8 Gray, 455 (1857).

349. St. 1855, c. 445, (Gen. Sts. c. 71, § 49,) giving a remedy to the Commonwealth against towns for the support of "any pauper who shall become an inmate of the state almshouses," includes the support, since the statute took effect, of paupers who became inmates of one of the state almshouses before its passage. *Ib.*

350. No action could be maintained under St. 1846, c. 88, for the support of state paupers committed to a workhouse, until the county commissioners had settled and allowed the accounts of the keeper of such workhouse. *South Danvers* v. *Essex*, 1 Allen, 25 (1861).

STATUTES AND ORDINANCE

RELATING TO THE

OVERSEERS OF THE POOR OF THE TOWN

OR

CITY OF BOSTON.[1]

STATUTES.

Twelve Overseers of the Poor to be chosen in Boston for the twelve wards respectively, &c.

Jurisdiction.

Duties.

Town of Boston empowered to erect a work-house for the poor.

Overseers of the Poor to regulate it.

The house may be endowed, &c.

Overseers to have inspection &c., and to appoint the masters of the house.

Empowered to make by-laws to be approved by the town.

Overseers to send idle and indigent persons to the work-house.

And to bind out the children of such as are unable or negligent to support them, and are not rated for their personal estate.

And also such children as are not taught their alphabet, unless, &c.

Overseers of the Poor to warn intruders out of the town &c.

1. Incorporation of the Overseers of the Poor.
2. Moneys and estates given, devised, &c., for the use of the poor, vested in said corporation, Proviso, that they shall not hold more than £60,000.
3. Shall have perpetual succession. May hold real estate not exceeding £500 by the year, &c.
4. Shall have a common seal, and may make by-laws, &c.
5. Instruments made and acts done shall be binding.
6. Incorporation of the Trustees of John Boylston's Charitable Donations.

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[1] The legislature has, by various acts, transferred a large portion of the powers and duties of the Overseers of the Poor of Boston which they formerly possessed, to the directors of the house of industry, and by the act of 1857, c. 35, ante, p. 64, these powers and duties are transferred to "the Board of Directors for Public Institutions," who now perform in Boston most of the duties imposed upon Overseers of the Poor in the various towns by the General Statutes. The Overseers of the Poor of Boston, in practice, furnish "out-door relief," and may send paupers to the house of industry. When received there, they come under the charge of the above-named directors. The Overseers of the Poor in

7. Bequests, &c., made by John Boylston, vested in said corporation.
8. Said corporation to have perpetual sucession, and to hold real and personal estate.
9. Shall have a common seal, and may make by-laws, &c.
10. Instruments and acts shall be binding.
11. Corporation authorized to bind out poor persons, &c.
12. Power of surrendering indigent boys to the Boston asylum for indigent boys, shall be exercised by the Overseers of the Poor.
13. Auditors to examine accounts of overseers.
1. Overseers of Poor, duties, rights, obligations, &c.
2. Board, how composed and elected. Vacancies how filled. Removals.
3. Organization of the board.
4. To report to city council.
5. Old board to exist till new one is organized.
6. Not to be interested in purchases or contracts, &c.
7. Repeal of former acts.

ORDINANCE.

1. Committee on Overseers of Poor to be appointed.
2. Duties of said committee.
3. Overseers to keep books of invested funds.
4. Books to be open to inspection by Mayor, city council, &c.
5. Overseers to keep books with full accounts of all applicants.
6. Overseers to report quarterly.
7. Also to make an annual report.
8. Committee to examine books once a month and investments semi-annually, &c.

An Act for employing and providing for the Poor of the Town of *Boston*.

St. 8 & 9, Geo. II. c. 3, 1735.

Preamble.

Whereas the Town of Boston is grown considerably populous, and the Idle and Poor much increased among them, and the Laws now in Force relating to them, not so suitable to the Circumstances of the said Town, which are different from those of the other Towns in the Province: Therefore,

Be it enacted by His Excellency the Governour, Council and

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the town of Boston were regularly incorporated for certain charitable purposes by the legislature in 1772, and it has been judicially held, that the provision in the city charter, relative to Overseers of the Poor, was a continuance of the corporation so created in 1772, and not a dissolution or suspension of it. *Overseers of the Poor of Boston* v. *Sears*, 22 Pick. 122 (1839).

The Overseers of the Poor, in their corporate capacity, continue to possess and exercise all the powers granted, and are subject to all the duties enjoined, by the several acts of 8 & 9 Geo. II. c. 3, April 25, 1772; 1802, c. 44; 1813, c. 171; 1862, c. 204; 1864, c. 128, which are seen in the text, so far as the same are respectively in force, and not modified by later acts. See *House of Industry* and *House of Reformation*, ante, p. 62, and Laws and Ordinances (1863), pp. 372, 376. And as to the respective authority of the Overseers and Directors, see also ante, pp. 21–23, and Quincy's Hist. of Boston, pp. 167–175. For the general powers of Overseers of the Poor, see *Paupers*, ante, p. 24.

Representatives in General Court assembled and by the Authority of the Same, That from henceforth at the anniversary Town Meeting in *March*, for the Choice of Town-Officers, the Town of *Boston* are, and shall be hereby impowered to *chuse* twelve Overseers of the Poor, who shall be chosen for twelve several Wards respectively, into which the said Town is or shall be divided, each Overseer to have the more especial Care of his particular Ward, yet so as not to exclude the Authority of any other Overseer as there may be Occasion; which Overseers shall visit their respective Wards, whensoever they may judge there is Occasion, at least once in every Month; and shall also once in every Month assemble together to consider and determine of the most proper Methods for the Discharge of their Office.

8 & 9 Geo. II. c. 3, 1735.

Twelve Overseers of the Poor to be chosen in Boston for the twelve wards respectively.

Jurisdiction.

Duties.

And whereas the Poor of the said Town may upon the decay of Trade become still more numerous, and want Means to employ and set themselves to Work in any settled or constant Manner, or by ill Habits become idle and slothful and very burthensome to the Town:

Preamble.

Be it enacted by the Authority aforesaid, That in such Case, or whenever the said Town of *Boston* shall, at a legal Town Meeting for that Purpose duly warned, judge it necessary or convenient to erect, provide or endow an House for the Reception and Employment of the Idle and Poor of the said Town, they the said Town are, and hereby shall be authorized and impowered so to do; which House shall be under the Regulation of the Overseers of the Poor, to be annually chosen as aforesaid; and erected, provided for, continued or discontinued, as the said Town shall find or judge their Circumstances require: And the said Town are hereby authorized to make Purchases and receive Donations for endowing the said Work-House, to the Value of *three Thousand Pounds* per Annum; and to sue and be sued in all Affairs of said House; the several Donations to be always applied according to the Will of the Donors.

Town of Boston empowered to erect a workhouse for the poor.

Overseers of the Poor to regulate it.

The house may be endowed, &c.

And be it further enacted, That the Overseers of the Poor of the Town of *Boston*, for the Time being, shall have the Inspection, Ordering and Government of the said House, with Power of appointing a Master or Masters, and one or more Assistants for the more immediate Care and Oversight of the Persons received

Overseers to have inspection, &c. and to appoint the masters of the house.

5 & 9 Geo. II. c. 3, 1735.

into or employed in said House: Which Overseers at their monthly Meetings shall have Power to make Orders and By Laws for the better and more decent regulating the said House; which Orders shall be binding till the next Town-Meeting, to which they shall exhibit them, and when approved by the said Town at a legal Meeting, shall be obligatory, until revoked by the said Town.

Empowered to make by-laws to be approved by the town.

Overseers to send idle and indigent persons to the workhouse.

And be it enacted by the Authority aforesaid, That each one of the Overseers aforesaid shall have Power to send any idle and indigent Person or Persons to the said House for Entertainment and Employment for the space of twenty-four Hours; and any two of the said Overseers shall have Power to continue or send to said House such Person or Persons, till discharged by the major Part of said Overseers at a monthly Meeting: Which Person or Persons the Master or Masters and Assistants are hereby required to receive and employ accordingly.

And whereas there are sometimes Persons rated to the publick Taxes, who are notwithstanding unable or negligent to provide Necessaries for the Subsistence and Support of their Children:

And to bind out the children of such as are unable or negligent to support them, and are not rated for their personal estate.

Be it enacted, That the Overseers shall have the same Power of binding out into good Families, the Children of such, as where the parents are rated nothing; provided such Persons are not rated for their personal Estate or Faculty.

And for as much as there is great Negligence in sundry Persons as to the instructing and educating their Children, to the great Scandal of the Christian Name, and of dangerous Consequence to the rising Generation:

And also such children as are not taught their alphabet, unless, &c.

Be it further enacted, That where Persons bring up their Children in such gross Ignorance, that they do not know, or are not able to distinguish the Alphabet, or twenty-four Letters, at the Age of six Years, in such Case the Overseers of the Poor are hereby impowered and directed to put or bind out into good Families, such Children, for a decent and Christian Education, as when Parents are indigent and rated nothing to the publick Taxes: unless the Children are judged uncapable, through some inevitable Infirmity.

And in as much as the Division of the Town of Boston into

twelve Wards, and Assignation of each Ward to the more immediate Care of a particular Overseer, will give the aforesaid Overseers Opportunity of a more exact Knowledge of the Town, and all Intruders into it: 8 & 9 Geo. II. c. 3, 1735.

Be it enacted by the Authority aforesaid, That the aforesaid Overseers of the Poor in the Town of *Boston*, be and they hereby are, impowered to warn any and all Intruders, or others, who are not Inhabitants, to depart the Town; and in Case of refusal or neglect, to proceed in the same Manner, and with as full Power, as the Select-Men of said Town, by Law, may or can: And the Constables are hereby required to observe and yield ready Obedience to the Orders and Directions of the Overseers aforesaid, by Virtue and in Consequence of this Act.[1] Overseers of the Poor to warn intruders out of the town, &c.

An act for incorporating the Overseers of the Poor of the town of Boston.

Whereas, many charitably-disposed persons have given and bequeathed considerable sums of money and other interest and estate to the poor of the town of Boston, and their use, and many other persons are well inclined to make charitable donations to the same good purpose, but the Overseers of the Poor of the same town not being incorporated, the good intentions of those who have made, and those who incline to make such charitable donations, have been either wholly frustrated or not carried into full effect, St. 1772, April 23 and 25. Preamble.

1. Be it therefore enacted by the Governor, Council, and House of Representatives: That the Overseers, for the time being, of the Poor of the town of Boston in the county of Suffolk and province of the Massachusetts Bay, be created, made, erected, and incorporated into a body politic by the name of the Overseers of the Poor of the town of Boston in the Province of the Massachusetts Bay in New England, Incorporation of the Overseers of the Poor. Ibid. § 1. 22 Pick. 122.

[1] The foregoing act was passed at the May session in 1735, and may be found in the Massachusetts Perpetual Laws, p. 277. It is apparent that much of it has been repealed by the operation of other acts relative to the same subjects; but as no act expressly repealing this has been found, it is here inserted, without assuming to determine how far some portions of it may yet be operative. See Quincy's Municipal History of Boston, pp. 170–175.

1772, April 23 and 25, § 1.

and that they and their successors in said office have perpetual succession by said name.

Money and estates given, devised, &c. for the use of the poor, vested in said corporation. Ibid. § 2.

2. That all and singular sum and sums of money, interest, and estate, real or personal, of what name or nature soever heretofore given, or at any time hereafter to be given, granted, bequeathed, or devised by any way or means whatsoever to the poor of the town or to their use, not exceeding the sums and value in this act hereafter mentioned, be and the same hereby is and shall be to all intents and purposes vested in the same Overseers, and their said successors in their said corporate capacity; and they are hereby enabled in the same capacity to receive, manage, lease, let, and dispose the same according to their best discretion, to and for the use and benefit of the poor of the said town; *provided*, *always*, that the said Overseers shall not be able to receive or be capable of having or holding any moneys or personal estate of any kind or nature whatsoever, at any time above and beyond the sum and amount of sixty thousand pounds lawful money of this province, accounting and reckoning the whole moneys and value of all the personal estate, personal securities, and choses in action which they shall own or be vested withal in their corporate capacity together, and that all gifts and bequests of money or personal estate of any kind made to the said corporation, or which by the tenor of this act they might take or be vested with, shall be utterly void at all times hereafter when their whole stock in moneys, personal securities, or choses in action and personal estate which the said corporation shall have, own, and be vested with the property of, shall, taken reckoned together, amount to the said sum of sixty thousand pounds.

Proviso, that they shall not hold more than £60,000. Ibid.

Shall have perpetual succession. Ibid. § 3.

3. That the said Overseers and their successors in said office, by the name aforesaid, have a perpetual succession, by that name, to sue or be impleaded; by its said corporate name to purchase lands and hold them not exceeding the sum of five hundred pounds, lawful money, by the year, and to manage, lease, bargain, and sell, or otherwise dispose of all or any part thereof, and do all acts as natural persons may, as from time to time the said corporation shall judge best for the benefit, advantage, and use of said poor.

May hold real estate not exceeding £500 by the year, &c.

4. That the said corporation shall have a common seal and power, and the said corporation is hereby authorized to make by-laws and private statutes and ordinances, not repugnant to the laws of the land, for the better government of the said corporation and its finances; to choose a treasurer, clerk, and other subordinate officers, as from time to time shall be found necessary, and all or any of them again at pleasure to displace. Shall have a common seal, and may make by-laws, choose officers, &c. 1772, April 23 and 25, § 4.

5. That all instruments which said corporation shall lawfully make, by the name aforesaid and sealed with their common seal, and all acts done or matters passed upon, by the consent of a major part of the said Overseers for the time being, shall bind said corporation and be valid in law. *April* 25, 1772.[1] Instruments made and acts done shall be binding. Ibid. § 5.

BOYLSTON'S CHARITABLE DONATIONS.

An Act to incorporate Oliver Wendell, and others, together with the Overseers of the Poor of the town of Boston for the time being, by the name and title of the Trustees of John Boylston's Charitable Donations for the benefit and support of aged poor persons, and of orphans and deserted children. St. 1802, c. 44.

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[1] St. 12, Geo. III. c. 3. Prov. Laws of Mass. Bay, 1692–1774, p. 603.

On the 13th of September, 1836, the Overseers of the Poor of the city of Boston brought a writ of right, in the Supreme Judicial Court for the county of Suffolk, against David Sears and wife, to recover land in that city, which they claimed as successors of the Overseers of the Poor of the town of Boston, alleging that said Overseers were seised thereof within forty years then past.

To this writ, the tenants demurred; and, after argument by the late Jeremiah Mason and Charles P. Curtis, for the tenants, in support of the demurrer, and by the late John Pickering (then the City Solicitor) and Sidney Bartlett, Esq. for the demandants, on the other side, the late Chief Justice Shaw delivered a long and elaborate opinion, at the March Term of the Court in 1839, in relation to the legal character and rights of the Overseers under the Act of 1772, which closed as follows: —

"On the whole, the Court are all of opinion, that the demandants were constituted an aggregate corporation, with perpetual and continued succession; that a grant to them of real estate, would have carried a fee without being to their successors; that, in a writ of right, they can count only upon their own seisin, within thirty years next before the commencement of the action; and that, not having so counted in the present case, the demurrer is well taken." *Overseers of the Poor of Boston* v. *Sears*, 22 Pick. 122, 135.

Be it enacted, &c.

Incorporation of the trustees of John Boylston's charitable donations. 1802, 44, § 1.

1. That Oliver Wendell, William Cooper, Ebenezer Storer, and William Smith, all of Boston, and John Pitts, of Tyngsborough, in the County of Middlesex, Esquires, and the survivors and survivor of them, together with the Overseers of the Poor of the town of Boston for the time being, and their successors; and after the decease of the said Oliver Wendell, William Cooper, Ebenezer Storer, William Smith, and John Pitts, the said Overseers of the Poor of the town of Boston for the time being, and their successors forever, be, and they hereby are incorporated into a body politic, by the name and title of the Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children, and by that name and title shall have perpetual succession.

Bequests, &c. made by John Boylston vested in said corporation, &c. Ibid. § .

2. That all the bequests, devises and donations made and granted by John Boylston, late of Bath, in the kingdom of Great Britain, deceased, for the purposes above mentioned,[1] be, and they hereby are vested in the said Corporation, to be held and disposed of by them conformably to the directions of the said will: And the said Corporation shall insert among their records a copy of this act, and also of all the clauses of the said last will and testament which have relation to the said two several Charitable Donations, for the benefit of aged poor persons, and for the support of orphans and deserted children; and in the management and disposal of the funds granted in said will, the said Corporation shall conform to, and be governed by the directions therein contained.

Said corporation to have perpetual succession, and to hold real and personal estate. Ibid. § 3.

3. That the said Corporation shall have a perpetual succession, by the name and title aforesaid, to sue or be impleaded; to purchase and hold lands or other real estate, not exceeding the value of three thousand dollars by the year; to hold personal estate not exceeding the value of sixty thousand dollars; and to manage, lease, bargain and sell, or otherwise dispose of all or any part thereof, subject to the directions of the said will; and

[1] See John Boylston's will, post.

to do all acts as natural persons may do, as the said Corporation from time to time shall judge best, to carry into effect the charitable intentions of the said will: and the real or personal estate which the said Corporation are hereby empowered to hold, shall not be considered as part of that which the Overseers of the Poor of the town of Boston are already empowered by their former act of incorporation to hold, but as altogether distinct and separate from the same. 1802, 41, § 3.

4. That the said Corporation shall have a common seal, with power to break and alter the same; and said Corporation is hereby authorized to make by-laws, and private statutes and ordinances, not repugnant to the laws of the land, for the better government of said Corporation and its finances; to choose a treasurer, clerk and other subordinate officers, as from time to time shall be found necessary, and all or any of them again at pleasure to displace. Shall have a common seal, and may make by-laws, choose officers, &c. Ibid. § 4.

5. That all instruments which said Corporation shall lawfully make by the name aforesaid, and sealed with their common seal, and all acts done, or matters passed upon by the consent of a major part of the members of said Corporation, shall bind the said Corporation, and be valid in law. *February* 3, 1803. Instruments and acts shall be binding. Ibid. § 5.

An Act in addition to an Act, entitled "An Act to incorporate Oliver Wendell and others, together with the Overseers of the Poor of the town of Boston, for the time being, by the name and title of the Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children." St. 1813, c. 171.

Be it enacted, &c.

That the Corporation constituted by an Act, entitled, "An Act to incorporate Oliver Wendell and others, together with the Overseers of the Poor of the town of Boston, for the time being, by the name and title of the Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children," be, and are hereby authorized and empowered to bind out in various families, or to reputable trades, or useful arts or occupations, Corporation authorized to bind out poor persons, orphans, &c.

1813, c. 171. such poor persons, orphans, or deserted children, as receive, or may hereafter receive the benefit of the said Boylston's Charitable Donations, until they arrive to the age of twenty-one years, in such manner as to the said Corporation may seem expedient; and for this purpose shall have authority to establish any rules and regulations, and enter into any indenture or covenant relative to such objects, not repugnant to the laws of this Commonwealth, as the said Corporation may deem necessary or expedient. *February* 26, 1814.

St. 1823, c. 53.

An Act, in addition to an Act entitled an Act to incorporate the Boston Asylum for Indigent Boys.

Be it enacted, &c.

Power of surrendering indigent boys to the Boston Asylum shall be exercised by the Overseers of the Poor, in case, &c. But see 1835, 28, § 4.

That the power recognized in the act to incorporate the Boston Asylum for Indigent Boys, of the parent or guardian of any indigent boy or boys, to surrender in writing him or them to the managers of said asylum, for the purposes mentioned in said act, shall, in case said boy or boys have no parent or guardian within the city of Boston, nor legal settlement in any other town in this Commonwealth, be possessed and exercised by the Overseers of the Poor of the city of Boston, and that the managers of said asylum shall have the same authority and control over the boys surrendered in the manner herein prescribed, as they now have over boys surrendered by their parents or guardians. *January* 27, 1824.[1]

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[1] For enactments respecting the Boston Asylum and Farm School, see St. 1813, c. 153, incorporating "The Boston Asylum for Indigent Boys," by § 5 of which it is enacted, "That the board of managers, for the time being, * * * * * shall likewise have authority, at their discretion, to take into their asylum, such indigent boys belonging to the town of Boston, as they may judge to be suitable objects of charity, to enjoy the benefit of the institution; and also to accept a surrender in writing by the father, or where there is no father, by the mother or guardian of any indigent boy as aforesaid, to the care and direction of said society, and to bind out in virtuous families, or to reputable trades or occupations, or to educate in such manner as they may deem beneficial, until the age of twenty-one years, any such indigent boy or boys, thus surrendered, or any such boy, who being destitute of parents within this Commonwealth, shall have been relieved and

An Act in relation to the Overseers of the Poor of the city of Boston.

St. 1862, c. 204.

Be it enacted, &c.

1. The mayor of the city of Boston, the chairman of the board of aldermen, the president of the common council and the city treasurer, shall constitute a board of auditors, whose

Board of auditors to examine accounts of Overseers. Ibid. § 1.

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supported by the society: *Provided*, that any parent whose child or children shall have received relief, or have been bound out as aforesaid, during the absence of such parent from this State, shall have liberty on his or her return to the State, to receive and withdraw such child or children on paying to the Treasurer of the Society the expense incurred in his or their relief and support as aforesaid. And the managers shall have authority to establish any rules and regulations for the proceedings of the board, and the concerns of said society, not repugnant to the laws of this Commonwealth, or the by-laws of said society":

Also, St. 1833, c. 135, incorporating "The Proprietors of the Boston Farm School," § 5 of which provides, "That any boy, above the age of seven years, who shall be deemed by the directors or other officers, appointed under the authority of this act, to be a fit subject for the said school, may be admitted thereto, by them, on the application of his father, or, in case of his death or absence, of the mother or guardian of the boy; and the said officers are authorized to accept from such father, mother or guardian, a surrender in writing of any such boy to the care and direction of the said Corporation; and they may also take any other indigent boys, residing in the city of Boston, who shall appear to them to be suitable objects of this charity, and who have no parents or guardians within this Commonwealth. All boys so taken and admitted into the school, shall be maintained, employed and educated therein, and shall be instructed in their moral and religious duties, and in the knowledge usually communicated in the common town schools. They shall also be employed in a regular course of labor, suited to their age and their strength, in which they shall be instructed in agriculture, gardening, or such useful occupations as will contribute to their present maintenance, and tend to form in them habits of industry and order, and to prepare them to earn their own livelihood":

And St. 1835, c. 28, uniting these corporations under the name of "The Boston Asylum and Farm School for Indigent Boys" as their successor, the former to "continue to exist so far only as to enable them to take any donation made to them by will or otherwise," by § 4 of which it is enacted, "That all the funds of said Corporation shall be managed and appropriated for relieving, instructing, and employing indigent boys. And the said Corporation shall have power to admit into their institution any indigent boy above the age of five years, at the request of his parent or guardian, and to accept from his father, or, in case of his death, from his mother or guardian, a surrender in writing of any such

1862, 204, § 1. duty it shall be to examine all the accounts, acts, and doings of the Overseers of the Poor of said city, and shall annually, on or before the first Monday of September, make report to the city council of all such matters relating to all disbursements, by said Overseers, whether as trustees of John Boylston's Charitable Donations, or otherwise, as they may deem the public good to require.

Takes effect on passage. Ibid. § 2. 2. This act shall take effect upon its passage. *April* 30, 1862.

St. 1864, c. 128. An Act concerning the Overseers of the Poor of the city of Boston.

Be it enacted, &c.

Overseers of Poor; duties, rights, obligations, &c. Ibid. § 1. 1. The Overseers of the Poor in the town of Boston, incorporated on the twenty-fifth day of April, in the year one thousand seven hundred and seventy-two, shall be known and called by the name of "The Overseers of the Poor in the city of Boston," and as such shall continue to hold and possess all the property, and be entitled to all the rights and privileges, and be subject to all the duties, liabilities, and obligations, which now belong or appertain to said Corporation, whether as successors of the Corporation above mentioned, or as successors of the Corporation or body politic incorporated by the forty-fourth chapter of the acts of the year eighteen hundred and two, by the title of "The Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children," including the faithful administration and execution of all the trusts, bequests, legacies, endowments and charities confided to them, which have been heretofore, or shall hereafter be, accepted by them.

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boy to the care and direction of said Corporation. And they may take into said institution any other indigent boys, residing in the city of Boston, who have no parent or guardian within the Commonwealth. And all boys so admitted shall be maintained and employed in said institution, and shall be instructed in moral and religious duties, and the learning usually taught in the common town schools. And when of suitable age, shall be employed in a regular course of labor, and be so instructed in agriculture, or such other useful occupations, as to prepare them to earn their own livelihood." See also, St. 1838, c. 16; St. 1854, c. 71

How composed and elected. Vacancies. Removals. 1864, 128, § 2.

2. The said Overseers of the Poor in the city of Boston shall consist of twelve persons, residents of the city, and be elected by the city council of said city of Boston, by concurrent vote, in the following manner,[1] within sixty days next after this act shall take effect: The said city council shall elect four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty seven, and until other persons are elected in their places; four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-six, and until others are elected in their places; and four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-five, and until others are elected in their places; and thereafterwards annually on the first Monday in February, or within sixty days thereafter, four persons to hold their office for the term of three years from and after the first Monday in April next following such elections, respectively, and until other persons are elected in their places. Vacancies occurring in said Corporation, from any cause, may be filled by said city council, in like manner, at any time; and the person elected to fill any vacancy shall hold his office during the term for which his predecessor was elected. The city council shall also have power, at any time for cause, to remove either of said Overseers from office.

Organization of the board. Officers, &c. Ibid. § 3.

3. The persons so first elected as Overseers of the Poor in the city of Boston, shall meet and organize[2] on the first

[1] Under the City Charter, prior to the Act of 1864, one Overseer was chosen by each ward at the annual meeting, and the persons thus chosen, together constituted the Board of Overseers. See St. 1821, c. 110, § 19 and § 52 of the City Charter. Laws and Ordinances (1863), p. 21.

[2] City Solicitor's Office, 46 Court Street,
Boston, May 23, 1866.

George S. Hale, Esq.; —

Dear Sir: I have considered the question proposed to me in your communication of the 17th inst., viz: Ought the Overseers of the Poor to be sworn?

It is true that the Overseers of the Poor in this city are chosen under a special act, and not in accordance with the provisions of the General Statutes, and that they are a body corporate, having powers which do not belong to Overseers of the Poor by virtue of the general law. It is also true that, while

1864, 128, § 3. Monday of the month succeeding their election, and those thereafterwards elected shall meet for that purpose on the first Monday in April of each year. They shall choose a chairman from their own number, and a treasurer, secretary, and such subordinate officers as they may deem expedient, and shall define their duties and fix their respective salaries.

To report to the city council. Ibid. § 4. 4. Said Overseers shall render such accounts and reports of their expenditures, acts and doings, as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Old board to exist until new one is organized. Ibid. § 5. 5. The present members of the Corporation shall hold their office until others are elected in their places, under the provisions of this act.

Overseers and persons employed not to be interested in purchases or contracts, unless, &c. Ibid. § 6. 6. No one of said Overseers, nor any individual in their employ, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor or for articles furnished by direction of said Overseers, unless the same be expressly authorized by a recorded vote of the board.

Repeal of other acts. Ibid. § 7. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. *April* 2, 1864.

ORDINANCE.

Ordinance of June 15, 1864.

An Ordinance relating to the Overseers of the Poor.

Committee on Overseers to be 1. In the month of January in each year there shall be

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they are invested by the act of their incorporation with these enlarged powers, they are not divested of any power, nor exempted from any duty or obligation, which pertains to the office by the general law. All general legislation in regard to Overseers of the Poor, not inconsistent with the special legislation under which you act, is, I think, applicable to your board.

It is, therefore, my opinion that, as the General Statutes [c. 18, § 31] provide, without exception, that Overseers of the Poor shall be sworn, the usual oath of office ought to be taken by the "Overseers of the Poor in the city of Boston."

I am, very respectfully,

Your obedient servant,

J. P. HEALY.

appointed a joint committee of the city council to be called the Committee on the Overseers of the Poor. appointed. June 15, 1864.

2. All matters within the control and jurisdiction of the city council relating to the Overseers of the Poor, or to paupers, or to poor and destitute persons, or to the city Temporary Home, shall be referred to said committee, unless otherwise ordered by the city council, and said committee shall perform such duties as are herein provided for. Duties of said committee. Ibid. § 2.

3. The Overseers of the Poor shall cause to be kept, in a neat and methodical style and manner, a complete set of books under the direction of said committee, wherein shall be stated, among other things, in detail, the mode in which all funds in their hands are invested and how secured, the amount and dates of all receipts and expenditures, and to whom and from what funds all payments of money are made, and shall preserve in a safe and careful manner all papers, property, evidences of property, vouchers, and other things entrusted to, and deposited with them. They shall also state and enter in said books whatever other particulars said committee shall direct, relating to any property or moneys in their hands, entrusted to them or expended under their direction, so that said books may exhibit clearly, completely, and in detail, all matters connected therewith. Overseers to keep books. Form of books for invested funds. Ibid. § 3.

4. All said books, papers, and property, and the book or books hereinafter provided for, may at any time be inspected or examined by the mayor, by said committee, or by any committee or person whom the mayor, the board of aldermen, or the common council shall direct or appoint to inspect and examine the same. Books may be examined and inspected by mayor, city council, &c. Ibid. § 4.

5. Said Overseers shall also cause to be kept in a neat and methodical style and manner, another book or set of books under the direction of the said committee, wherein shall be stated, among other things, the name, residence for as long a period as can be conveniently ascertained, birthplace, occupation, property or means of support, whether married or unmarried, name of husband and wife, number, names, residences, and occupation of children, if any, and, so far as can be conve- Books to be kept with full accounts of applicants. Form of books. Ibid. § 5.

June 15,1864,§ 5. niently ascertained, and shall be of importance for determining settlements or other matters, the names and residences of, and other information in regard to, the ancestors of every person to whom relief or assistance shall be given or refused, the nature and amount of such relief or assistance, and the cause or ground upon which the same is given or refused, and the source or fund from which it is taken or derived, and all other particulars or information which it is for the public interest to preserve or which said committee shall direct or request, so that said book or books may present in a clear, complete, and detailed manner, and in such a form as to be readily found, all information in regard to persons to whom relief is given or refused, which may be of value to the city of Boston or the Commonwealth, now or hereafter.

Overseers to report to city council quarterly. Ibid. § 6.

6. Said overseers shall, on the first Mondays of January, April, July, and October in each year, present to the city council a brief and condensed report of their doings, receipts, and expenditures during the three months ending with the last Monday of the preceding month, showing in a succinct manner and in such a form and classification as they shall deem expedient, or said committee shall direct, their receipts and expenditures, and the number and description of the persons relieved without naming the same, and in what manner.

Overseers to make an annual report. Ibid. § 7.

7. On the first Monday of February in each year they shall submit a report of their doings, receipts, and expenditures for the year ending with the last Monday of the preceding December, containing under some convenient classification the facts and information comprised in their four preceding quarterly reports, together with a statement of all moneys, property or investments remaining in their hands, and such information and suggestions as they shall deem it expedient to present to the city council, or shall be requested by the mayor or city council or by said committee to furnish, and they shall, whenever requested by the mayor or city council, communicate such information as may be desired by either.

Committee shall monthly examine books

8. On the second Monday of each month said committee shall examine all said books, and ascertain whether the same

have been kept in conformity with the provisions hereof, whether all payments and expenditures for the month ending on the last Monday of the preceding month have been legally made and are properly vouched, and whether relief and assistance have been legally granted or refused. At least twice in each year, once in the month of January, and once in the month of June, said committee shall examine and investigate the condition and investment of all property intrusted to, and deposited with said overseers. And if, on any of such examinations, it shall appear that any payment or expenditure, assistance, or relief has been illegally made or given, is not properly vouched, or due care is not taken in regard to the management, preservation, or investment of said property, or that all said books are not properly kept according to the provisions hereof, said committee shall thereupon report the same to the city council for their action, and may make such reports and suggestions upon any matter as they shall deem expedient. *June* 15, 1864.

and semi-annually examine investments, &c. June 15, 1864, § 8.

ORDER OF THE CITY COUNCIL IN REGARD TO A BUILDING FOR OVERSEERS OF THE POOR.

Ordered: That when thirty thousand dollars shall be raised by private contribution, and paid into the City Treasury, to provide a building for the use of the Overseers of the Poor, and such charitable societies as the city council may from time to time designate to be occupants thereof, the city of Boston will appropriate the said sum and such amount in addition thereto as may be necessary, not exceeding thirty thousand dollars, to the procuring of such a building, — the building, however, shall be the property of the city, and the city council shall have the exclusive right to control and dispose of it as they shall deem expedient. *December* 30, 1864.

Building for Overseers of the Poor. Dec. 30, 1864.

TRUST FUNDS

HELD BY

THE OVERSEERS OF THE POOR IN BOSTON,

AS A CORPORATION.

At an early period, as already stated, the Overseers having received charitable bequests and donations, for the benefit of the poor, it was found necessary to give them a corporate existence.

The following extracts from the Records of the Overseers embody an early declaration of their wise views on this subject, while they furnish, also, a striking and interesting illustration of the mutations of life.

I. Donation of "A. B." 1.

Copy of a letter directed to John Phillips, Esq., Chairman of the Overseers in Boston to be communicated, which Letter was received by Col°. Phillips at the Meeting of the Overseers on June 4, 1760, and then communicated.

Boston 6 May, 1760.

Sir: As the Case of such Persons who, by the Providence of God, are reduced from a State of Affluence to a State of Poverty, must be very uncomfortable, and what may be satis-

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[1] This donation now forms a part of the "Pemberton or General Fund," so called, and may be considered the foundation of the latter. All the donations and legacies successively numbered in the margin are included in this fund when it is not otherwise stated in the text or by a note.

factory to those of the poorer Sort, who have always been but in low condition, may be very uncomfortable to such Persons.

Therefore it is the Desire and Will of the Donor that the enclosed sum of sixty-six Pounds, thirteen Shillings, and 4 d. be an established Fund; neither the Principal, nor any Part of it ever to be taken from or diminished on any Pretence whatever; the Principal and Interest to be under the Care, Improvement and Direction of the Overseers of the Poor of the Town of Boston and their Successors forever — Only the Interest arising thereon to be by them given to such Person or Persons of good Character who, by the Providence of God, have been reduced from affluent or good Circumstances to Penury and Want.

It is not meant that this shall be a means of lessening their Share of the Town's Bounty to the Poor, but that it be given over and above for their Comfort, — it is left to the Discretion of the Overseers of the Poor and their successors forever to secure it in the best and safest Manner for the Purposes above.

And it is left with them either to take the Interest as it arises annually and apply it as above or to add the Interest to the Principal untill the Interest arising therefrom may be more, or considerably more, and then apply it as above directed.

I am, S^r Y^s, A. B.

It has long been the Opinion of many wise and judicious Persons, that the Monies given by the charitably disposed to the Poor of the Town to be applied to the Relief of said Poor at the Discretion of the Overseers, instead of being immediately distributed among them, would better answer the End of the Benevolent Donors and produce a greater good by being accumulated into a charitable Fund, the Principal of which should remain undiminished, and the Interest only be applied to the use of the Poor, in Addition to what may be rais'd for their Support by a common Tax.—A generous Benefactor to the Poor of the Town, who conceals his Name, is of their Opinion, and has prescribed an happy Method to make his noble Bounty a lasting one, as appears from his Letter transcribed above.

The Overseers cannot forbear to record their Thanks to this

benevolent unknown Person, and their Approbation of the Manner he has dispensed his Charity, being fully persuaded that it is an excellent Way of doing good, which they hope will be imitated by others, and as they propose to add to the Fund thus begun such Monies as shall be given to the Poor at the Direction of the Overseers, so they beg leave to recommend to their Successors in Office a Fund from which such lasting Comfort may be derived to those who having been reduced from affluent and good Circumstances to Indigence, demand peculiar Pity and Relief.

At a Meeting of the Overseers of the Poor, June 4, 1760.—Voted: That the preceding Sum of sixty-six Pounds thirteen Shillings and four Pence remain in the Hands of John Phillips, Esq. the Interest arising therefrom to be applied by the major Vote of the Overseers to such Persons only as are described in the foregoing Letter.

Copy of a Letter directed to John Phillips, Esq. to be communicated to the Overseers of the Poor.

Boston, 18th July, 1760.

Sir: On the Sixth of May last I wrote a Letter directed to you to be communicated to the Overseers of the Poor of this Town; in it I enclosed a Sum of Money to be applied to the Purposes set forth in said Letter.

In some Company in which I happened to be about that Time the Affair was mentioned and it was hinted as though the Overseers took the Design of the Donor to be that the Money should be applied for the Benefit of the Sufferers in the late great Fire,—What my Design is, it is needless to repeat as it is, I think, plainly set forth in the above Letter, which is quite foreign from such an Application.

If the Fund is not already perfected and recorded in your Books I would with all Deference desire it may be done as soon as possible.

Yours &c. A. B.

Twenty-five years afterwards the following letters were received.

BOSTON, Dec. 16, 1785.

SIR: On the 6th of May 1760, I wrote a letter to John Phillips Esq. one of the then Board of Overseers for the Poor,— With it I put into his hands £50. Stg. I think that was the Sum, This money I desir'd might be dispos'd of as set forth in the above letter, the Interest arising from it to be given to Objects of Charity who might be reduced from Affluent to depress'd situation. My circumstances at present, through the operations of the times and other events, answer the above description, which Obliges me now to solicit those aids, that I once assign'd to others,— God in his all-wise Providence and unerring Wisdom has order'd my Lot amidst various scenes of distress, which leads me to petition your aid, and being inform'd that the Hon^ble^ Board have lately had large Sums of Money put into their hands for purposes similar to the above, I do therefore Humbly apply to them for relief under my Difficulties. They, I know will feel for a friend reduced as I am.

Perhaps the Gentlemen when they take up the Matter may think that as I stand in need of what I so long since appropriated to the aforesaid purpose, that it would be right to give back to me the principal sum,—This I can't think of, I had rather suffer anything than the donation should be destroy'd. I would by all means have it operate as Originally intended, but if the Gentlemen should judge it proper to allow that or any other sum and consider it as part of the back Interest given to me or as a free Donation it would make me happy and I hope thankfull. Iff anything should be done it may be put into Mr. Prentiss's hands. I hope the Gentlemen will excuse this Solicitation, which arises from the Misfortunes of one that has seen better Days. I am

Gentlemen, your affectionate,
but Distressed friend, A. B.

P. S. For particular reasons I have all along chose and do still to conceal my Name.

To Wm. Phillips, Esq. President to the Board of Overseers.

Boston, Dec. 26th, 1785.

Sir: Some days past I took the freedom to write you a letter to be Communicated to the hon^ble^ Board of Overseers requesting their aid. I am informed by Mr. Prentiss that it was the Opinion of the Board (on expressing my Letter) that they could not, with any propriety, make a donation to an unknown person, — In this they may be right, in General, but I think it is a rule that in some Instances will admit of Exception— I think my Application is of this sort. In the year 1760 a sum of Money was put into the hands of the then Board of Overseers by a person under the Signature of A. B. and a fund proposed to be Established for the purpose of Charity under Certain Simulations—This is Evident to the board—It is likewise as Evident, that the same person that then made the Donation does now apply to the Hon^ble^ Board for relief, and that he is by the providence of God called to Solicit that Charity which he once little expected to want, that he is known to one who is a member of the Board, therefore with Submission judges that every-thing is known that is necessary to give a Sanction to a Donation thus Circumstanced, and that no one can possibly blame the board for such a proceeding. It may be thought something particular in me that when my Circumstances are so pressing, that I would rather suffer than let my name be known, but when I first made the Donation there was but one person (and he a member of the Board) that was privy to it. I did not wish to make a boast of my Generosity, if I could be a means of Establishing a fund (tho' of small beginnings) for the purpose set forth in my letter, and that it might be a means to stimulate others to do the like — this was all I wished, and that it has had this effect is evident by the Donations of a like kind, that have since taken place.

I still choose to keep myself unknown, for reasons that are of weight with me. My situation at present is very difficult and the donation requested wou'd be of more service to me now than perhaps at any other period, and should the Hon^ble^ Board grant my request, I hope I should retain a Gratefull remembrance of it, but if otherwise, I wish quietly to acquiesce in this, and

every Dispensation of Infinite Wisdom whose decrees, however afflicting, are design'd in Mercy! I am Sir, with respect and Esteem, Yr. Sincere friend and Huml. Servant,

A. B.

WM. PHILLIPS, Esq.
President to the Board of Overseers.

At a Meeting of the Corporation of the Board of Overseers, Jan. 7, 1786.

Voted — That the Treasurer be desir'd to give the following persons out of the Interest Money in his hands to; — vizt: —

Granted; Forty pounds to A. B. known by the Board to be the person who under that Signature gave £66..13..4, into the hands of the Overseers, as will appear by his Letter on Record, dated May 6, 1760, he being now Reduc'd and is a real Object of that Charity which his benevolence first Instituted, as will more fully appear by his two letters to the Board dated Dec. 16th, and 26th, 1785.

Also June 12, 1786, $100.

April 1, 1789, Thirty pounds. Lawfull money

The acts by which the Overseers are now incorporated for the purpose of holding charitable bequests and donations have been already inserted.[1]

The following are statements of donations, or extracts from the wills of various charitable persons, by which bequests have from time to time been made, and from the Records of the Overseers relating to the same.

II. Devise of Daniel Oliver.

From the will of the Hon[le] Daniel Oliver, Esq[r]. of Boston, Merchant, proved August 7th, 1732. Prob. Rec. Vol. 31, page 29.[2]

"I dispose of the remainder of my Estate as follows, viz: — Impri. I give and bequeath my house adjoyning to Barton's Rope walk, called Spinning house, with the Lands as now

[1] Ante pp. 103—112.

[2] These references, when not otherwise indicated, are to the Suffolk Registry of Probate.

fenc[t] in about fifty feet square, with all the Proffits and Incomes of it; as it now stands in my Book, (since built) forever to be improved for learning poor Children of the Town of Boston to read the word of God, and to write if need be, or any other work of Charity for the publick Good, according to the discretion of my Executors and Executrix hereafter mentioned, with ye advice of the Ministers of ye Brick South Meeting hous and their Successors, and at the Deceas of my s[d] Exec[s] and Executrix to be put into the hands of the Selectmen or overseers of ye Poor of the Town of Boston, as the Minister or Ministers of the said South Brick meeting hous shall advise, to improve s[d] Charity for s[d] publick use and no other, according to the Design of the Doner."

Petition for Authority to Sell said Estate.

To the Hon[e] the Senate and the Hon[ble] the House of Representatives for the Commonwealth Massachusetts in General Court assembled.

The Petition of the Overseers of the Poor in the Town of Boston. Humbly sheweth.

That by the Will of the late Hon[ble] Daniel Oliver, Esq[r], an Extract of which is hereunto annexed, a certain House in Boston, with the Land thereto appertaining, was bequeathed, for the Sole Purpose of Educating Poor Children, and it appearing to your Petitioners, on whom the Care and improvement of the Premisses and the Execution of the Will of the Donor is now devolved, that, from the Circumstances of the said House, the laudable Intention of the Donor would be much better accomplish'd by the Sale of the said House and land, and placeing the Proceeds thereof upon some other Foundation, they therefore pray your Honors to permit the said House and Land to be sold, and to direct such disposal of the proceeds as shall to your wisdom seem best Calculated to carry the Design of the Hon[ble] Donor into full Effect.

And your Petitioners, as in Duty bound, shall ever pray.

WILLIAM PHILLIPS, Chairman.

Resolve.

Commonwealth of Massachusetts.

In the House of Representatives, 13th February, 1783.

On the Petition of the Overseers of the Poor of the Town of Boston.

Resolved; That the Corporation of the Overseers of the Poor of the Town of Boston be and they hereby are authorized and empowered to Sell the real Estate bequeathed to them for the Purpose of Educating Poor Children, by the last Will and Testament of the late honorable Daniel Oliver, Esqr deceased, and to make and execute a good and sufficient Deed of the same in Fee Simple. And it is further:

Resolved; That the Corporation aforesaid put out the Proceeds of Sale of the said real Estate to Interest on Landed Security and appropriate and use the annual Income thereof for the Instruction of poor Children in Reading the Word of God, and writing if need be, agreeably to the Design and Intent of the aforesaid Testator.

Sent up for concurrence,

TRISTRAM DALTON, Spkr.

In Senate, Feb'ry 13th, 1783,
Read and Concurred,

Approv'd S. ADAMS, Presidt.

JOHN HANCOCK.

III. Legacy of Margaret Blackader.

From the will of Margaret Blackador or Blackader, of Boston, proved July 12th, 1755. Prob. Rec. Vol. 50 page 200.

"I give and bequeath to the poor of the Town of Boston the Sum of Twenty-Six pounds, Thirteen Shillings, and four pence lawfull Money, to be paid to the Overseers of the poor of the same Town."

At a meeting of the Overseers held June 4th, 1760, it was Voted, That the sum of Twenty-six pounds, thirteen shillings and four pence, now in the hands of John Phillips Esq., left by

the late Mrs. Margarett Blackader to the Poor of this Town, and paid by her Executors into the hands of the Overseers, to be dispos'd of according to their best discretion, be applied to the same use, and remain an inseparable part of said Fund.[1]

IV. Donation of John Scollay.

Donation by letter in 1760 of John Scollay, former Chairman of the Selectmen's Board, for persons reduced from affluence, of good character. $222.22.

The principal as well as the interest of this donation appears to have been paid out.

V. Legacy of Alice Quick.

From the will of Alice Quick of Boston, proved Nov. 13th, 1761. Prob. Rec. Vol. 59, page 210.

"I Give to the Poor of the Town of Boston, to be paid to the Overseers of the Poor, the Sum of Twenty-six pounds, thirteen Shillings and four pence lawful Money of this Province."

At a meeting of the Overseers, March 16th, 1763.

Voted: That John Barrett, Esq. the present Chairman be desired to receive of John Phillips Esq. the several Legacies and a Donation in his hands given for the use of the Poor of the Town, viz:—

The late Mrs. Blackader's Legacy,	£ 26.13.4.
Mrs. Quick's do	26.13.4.
A donation from a person unknown, A. B.	66.13.4.
	£ 120.0.0.
Interest rec'd. of Col°. Phillips,	20.9.10.
	£ 140.9.10.

March 31, 1763. In Consequence of the above Vote, John Barrett, Esq. received of John Phillips, Esq. the following Treasurer's notes, &c. viz:—

[1] This vote was passed in connection with the vote on p. 118, in regard to the donation of A. B.

A Note dated April 29th, 1762,	£66.—
Do do	35.—
Do. dated August 6th, 1762,	13.—
Do. dated October 31st, 1762,	14.—
	£128.—
Cash,	12.9.10
	£140.9.10

N. B. The Interest of the above Notes as it becomes due, belongs to the Poor.

From the will of Mary Ireland, proved Oct. 7, 1763. Prob. Rec. Vol. 62, p. 225. VI. Legacy and devise of Mary Ireland.

"Item. I order that all the Moneys, arising from the Sale of my estate aforesaid, together with what Cash I may have by me at my decease or that may be afterwards received, (debts and legacies aforesaid being first paid,) be put out on Interest by my Executors hereafter named, they taking good land security for the same, and that the interest thereof be annually paid to my said Sister Ann Staats, and this to be for her comfortable support during her natural life.[1]

Item. After the decease of my said Sister Ann Staats I give devise and bequeath unto the poor of the Town of Boston the principal Sum aforementioned, together with any other estate of mine, real or personal, to be paid or delivered to the Overseers of the poor of said Town for the time being, and my special will and order is that the Overseers aforesaid put the said moneys out on interest, taking good land securitys therefor, one half of the interest arising on the same to be annually added to the capital sum, and this for the term of twenty years, said term to begin from the death of my sister aforesaid. My further will and order is that the other half the interest money during the said term shall be either added to the

[1] Ann Staats lived probably until 1772, the date at which the Legacy was received.

principal or given for the assistance, relief and comfort of the poor of such condition and character as I shall hereunder describe, and after the expiration of said term the whole interest that may arise to be annually disposed of in the same manner forever, leaving it with said Overseers to determine who are the proper object or objects of this charity, taking the following discription of them for their guide to such determination, viz^{t}: Persons who, by the providence of God have been reduced from a state of affluence or easy and comfortable circumstances to the reverse of all this, and who at the same time maintain a character not unbecoming the gospel of Jesus Christ, or the children of such deceased parents as bore this character, and who may require a little assistance in their education or some support during that time.

Item. My Will and intention is that the aforesaid charity of mine should never be construed as intended to superscede or take off any assistance the town may or would afford such persons or children as I have above discribed but shall always be considered as designed to be over and above all such help and assistance."

Boston, March, 1772.

At Meeting of the Overseers of the Poor at Work-house Hall, John Barrett, Esq., their Chairman, reported that Thomas Gray, Esq^{r}., one of the Executors of the last will and testament of Mrs. Mary Ireland, late of Boston, Widdow, deceased, informed him he was now ready to pay him the legacy she left to the Poor of the Town of Boston, to be deposited in the Overseers hands. But, as the Overseers were not incorporated, they could not take any real Estate into their hands, and as sundry other Persons have left legacys for the use of the Poor of said Town, the Overseers unanimously agreed to Petition the General Court at their next Sessions for an act to make the Overseers of said Town of Boston a Body Corporate for said Purpose.

Petition.

To His Excellency Thomas Hutchinson, Esq^{r}, Governor and

Commander-in-chief in and over the Province of the Massachusetts Bay, The Honorable His Majesty's Council and the Honorable the House of Representatives, in General Court assembled, April 8th, 1772.

The Petition of John Barrett and others, Overseers of the Poor of the Town of Boston.

Humbly Sheweth.

That many charitable disposed Persons have given and bequeathed considerable sums of money and other Interest and Estate to the Poor of the Town of Boston and their use, and many other Persons are well inclined to make charitable donations to the same good purposes, but, your petitioners the Overseers of the Town of Boston not being incorporated, the good intentions of those who have made, and of those who incline to make such charitable donations have been either wholly frustrated or not carried into effect, wherefore your petitioners humbly pray that the Overseers for the time being of the Poor of the Town of Boston may be created, made, erected and incorporated into a body politick, by the name of the Overseers of the Poor of the Town of Boston in New England, and that they and their successors in said office may have a perpetual succession by said name, for the purposes before mentioned; as in duty bound shall ever pray.

JOHN BARRETT.
WILLIAM PHILLIPS.
BENJAMIN DOLBEARE.
WILLIAM WHITWELL.
WILLIAM GREENLEAF.
WILLIAM WHITE.
JOHN LEVERETT.
JOHN GORE.
SAMUEL PATRIDGE.
SAMUEL WHITWELL.
SAMUEL ABBOT.
DANIEL WALDO.

An act was passed incorporating the Overseers,[1] and their first meeting under this act was held at Workhouse Hall, June 16th, 1772, "In Conformity to a Law of this Province to make them a Body Corporate for Purposes therein expressed."

John Barrett, Esq. was chosen Treasurer, and John Leverett Esq. Clerk. William Phillips appears to have acted as Chairman.

At a meeting of the Overseers June 6th, 1764:—

VII. Donation or legacy of Anne Wheelwright.

They then receiv'd Ten Guineas, being a Donation of Mrs. Anne Wheelwright, lately dec'd, to the Poor of the Town, to be disposed of by Direction of the Overseers.

Whereupon, Voted, That John Barrett, Esq. the present Chairman be desired to receive it to be added to the Fund already in his hands.

VIII. Legacy of Benjamin Pemberton.

From the will of Benjamin Pemberton, Esq., of Roxbury, in the county of Suffolk, proved June 25th, 1782. Prob. Rec. vol. 81, p. 146.

"After all the within bequeathed Legacies, and other Demands upon my Estate are discharged, the whole Surplusage and Amount of what shall then be remaining of my Estate I hereby give and bequeath unto the Overseers of the Poor of the Town of Boston, and to their Successors in said Office, for the Time being, upon this special Trust & Confidence, namely the same Surplusage and Remainder of my Estate to be by them put to Interest on good Security, and the yearly Income thereof be, by said Overseers of the Poor, from Time to Time, given to and applied for the Relief and Assistance of such Person or Persons, who, being of good Characters, and have by misfortune fallen from comfortable Circumstances to Indigence and Want, so as to become proper objects of such Charity in the Opinion of said Overseers, in such Sum or Sums, as they shall think proper, leaving the whole Disposal of such Income for the Purpose above mentioned to the management and Direction of the said Overseers.

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[1] Ante p. 103.

The following is extracted from the Account of Sam[l] Whitwell and Jon[a] Mason, Executors of the will of Ben[j] Pemberton. Prob. Rec. Vol. 82, p. 335.

Sundry Bonds, Notes, Publick Securities &c &c, d'l'd into y[e] Hands of y[e] Overseers of y[e] Poor of y[e] Town of Boston, Viz[t].

Continental Treasury, by Mr. Hellegas, Viz[t].

1 Note dated 1st Ap[l] 1777, N° 448 for 400 Dollars	£ 120.—.–	Interist*	on	ditto	£ 10.4.9
1 Note dated 26 Ap[l] 1777, N° 1536 for 300 Dollars	90.—.–	"	"	"	7.6.8½
1 Note dated 27th June 1777, N° 1622 for 400 Dollars	120.—.–	"	"	"	15.14.9¼
2 Notes dated 9th Sept[r] 1777, N° 775 and 776 for 2000 Dollars	600.—.–	"	"	"	71.10 0
1 Note dated 18 June 1778, N° 1776 for 500 1 Note ditto ditto N° 1777, 500 1000 Dollars is worth by the scale 350 Doll[rs] and 15-90th	105.1.–	"	"	"	13.19.2½
1 Note dated 21 July 1778, N° 4524 for 300 Doll[rs] worth by y[e] Scale	27.3.6	"	"	"	3.9.3
1 Note dated 21 April 1778, N° 5759, 1 ditto 5760, 1 ditto N° 5761 for 200 Dollars E[a] worth by the Scale	81.15.9	"	"	"	11.12.6¼

State Treasury Notes by H. Gardner, Viz[t]

1 Note dated June 1st 1777, N° 62 for £ 127.—.– 1 ditto ditto N° 140 for 50.—.– 1 ditto ditto N° 141 for 50.—.– 1 ditto ditto N° 249 for 99.—.–	326.—.–	"	"	"	83.6.6½
1 Note dated Nov[r] 26 1777, N° 584	14.—.–	"	"	"	4.–.2
17 Notes dated 1st Jan[y] 1782, from N° 4056 to 4072 Each Note for £ 100	1700.—.–	"	"	"	94.1.4
1 ditto dated ditto N° 4073	50.9.–	"	"	"	3.1.6
John Gill's Note Hand dated Jan[y] 5 1782	63.—.–	"	"	"	6.5.10
Abijah Brown, Peter Ball and Abner Saunderson's Bond	103.6.8	"	"	"	2.15.2
Brown, Ball and Saunderson's ditto	40.—.–	"	"	"	1.1.4½

*The periods for which interest is calculated, in the original account, are omitted.

Henry Williams Bond	220.—.-	"	"	"	18.15.5
Stephen Williams Note	50.—.-	"	"	"	4.5.4
Lemuel and Benjn May's Ballance of their Bond	72.—.-	"	"	"	25.15.9
Jotham Bellows and John Rich, Ballance of Bond	86.19.8	"	"	"	1.5.9¾
Abijah Gale, Stepn Maynard and Peter Ball's Bond	120.—.-	"	"	"	1.14.-
John Keyes, Ballance of his Bond	250.—.-	"	"	"	18.16.8
Jeremiah Green, Ballance of his Bond	21.4.9	"	"	"	4.17.8¾
Enoch and Oliver Wiswell's Bond	14.8.-	"	"	"	17.11½
Oliver Wiswell and John Champney's Bond	20.—.-	"	"	"	15.4¼
John Sellon's Bond	150.—.-	"	"	"	8.12.6
John McClench's Bond	200.2.-	"	"	"	30.12.2½
Joseph Headly and Joseph Adams Bond	60.—.-	"	"	"	21.17.-
John Morey Junr, Ballance of his Bond	93.17.-	"	"	"	8.—.-
Joseph Curtis Note	18.—.-	"	"	"	1 9.11½
Ichabod and David Gay's Note	20.—.-	"	"	"	2.—.-
Lemuel Child's Note	100.—.-	"	"	"	1.5.-
Peter Ball's Note	21.—.-	"	"	"	2.7.3½
John Child and John Child Junr, Note	100.4.-	"	"	"	3.5.1¾
Joseph Brewer, Notes 2.15.7 27.14.-	30.9.7	"	"	"	12.2.11½
Aaron Jones and Ephraim Woodson's Bond	40.—.-	"	"	"	9.13.4
Miss Minot's Account for Rent due	47.9.-				
	£ 5176.9.11				£ 506.18.6½ 5176.9.11

Debts Due from Absentees.

Sir Francis Barnard's Ballance to July 1781 Sterling	£ 1162.13.6		
ditto from July 17, 1781 to June 11th 1782 at £ 150 Sterlg pr annum	135.—.-		
	£ 1297.13.6		
Adv 33⅓ to make it Lawfull	432.11.2		
		1730.4.8	
Thomas Flucker Esqr Note, Interist paid to 1774, for		200.—.-	
Samuel Quincy Esqr Note, Interist paid to 1774,		100.—.-	
Samuel Quincy Esqr Note, Interist paid to 1774,		50.—.-	
		£ 2080.4.8	2080.4.8

Debts Supposed to be Bad.

Richard Saltonstall Note dated 15th March 1754	£ 15.—.-	
Jeremiah Gridley's Note dº May 18th 1757	6.13.4	
John Harvey's Note dº Octr 26 1767	5.10.-	
Samuel Mansfield Bond and Mortgage for 445 Dollars, Interist paid to 1761,	133.10.-	
Francis Goff's Note dated October 27, 1774	14.—.-	
	£ 174.13.4	174.13.4
Treasurer Gardner's Certificates, one for eight Dollars, one for Six ditto, one for Sixteen ditto		9.—.-
Pews in the Meeting House at the 3d Parrish in Roxbury — 13 pews on the lower floor valued at £ 10.— Each		130.—.-
5 pews in the Gallary dº a 24s dº		6.—.-
		£ 8083.6.5½

Massachusetts New Emmission paper Dollars 63
Old Continental paper Dollars 1021
2 Ticketts in ye 4th Class of ye United State Lottery Nº 3146 and Nº 2923.

IX. Legacy of Martha Stevens.

From the will of Martha Stevens, proved Sept. 13. 1785. Prob. Rec. vol 84. page 274.

"To the Overseers of the Poor in Boston and their Successors in said Office Three hundred pounds, the Interist of which to be annually given to the descendents of such reputable Familys as may be so reduced by the providence of God as to want some assistance to prevent their becoming a Town charge."

X. Devise of David Jeffries.

From the will of David Jeffries, Esq., proved Jan. 3. 1786. Prob. Rec. vol. 85, p. 1.

"Item. Forasmuch as the Town of *Boston* have done me the Honour of electing me to the Office of *Town Treasurer* in constant Succession from the Year of our LORD 1750 to 1781 inclusive; and whereas the said Town of *Boston* have also honoured me with their Suffrages for the Office of *Treasurer* for the *County of Suffolk* since the year 1778, my *Will* is & I do *give devise & bequeath* to the said Town of *Boston two hundred Acres* of my Lands at Kennebeck, vizt: the Lott of Land in *pond*

Town (so called) in the County of *Lincoln*, being one Mile long, & one hundred poles wide, & contains *two hundred Acres*, more or less, & is Called *Lot Number Thirty-nine* & was assigned me by the *Kennebeck proprietors*, as p. their Vote & Grant, the 12th day of December 1770, & their plan dated June 11, 1766 may more fully appear; the sd Land to be wholly under the Care and direction of the *overseers of the poor* for the Time being, or of the major part of them, who are hereby authorized & impowered to *Sell*, or *let*, or otherwise improve the said Land, as they shall judge to be most for the Benefit of the Town; the Monies or profits arising from the Rent, or the Interest of the money arising from the Sale of said Land to be applied annually, & forever to purchase *Tea*, *Coffee*, *Chocolate* & *Sugar* for the Refreshment of those persons who in the providence of GOD, are, or shall be reduced & obliged to take Shelter in the *Almshouse* after having lived reputably; the *Overseers of the poor* to be the Judges, as to the persons, but always giving the preference to the *pious* Poor."[1]

N. B. The above mentioned 200 acres of Land were sold, and the proceeds, viz. 500 dollars in specie, received of Stephen Osgood.

This sum, with subsequent accumulations, constitute the Jeffries Fund, which now amounts to $1,000.

XI. Legacies and devise of John Boylston. 2.

Copy of the larger part of the will of John Boylston, Esq. of Bath, in Great Britain, proved June 12, 1795. Prob. Rec. Vol. 94, p. 17.

"I, John Boylston, late of Boston in the County Suffolk and Province of the Massachusetts Bay in New England, in North

[1] These terms of the bequest must, it seems to me, be literally complied with. It matters not that the recipients of this charity would be provided with the same necessaries or luxuries, at the public expense, but for this provision, and that they derive no benefit from the bequest. The articles purchased with the proceeds of this fund should, I think, be consumed in the Almshouse.

J. P. HEALY, *City Solicitor.*

[2] These legacies now constitute the Boylston Relief and Boylston Education Fund, respectively, held by the Overseers under the Act of Feb. 3, 1803, and the Acts in addition thereto. For this Act, see p. 105, and for the present amount and investments of the funds, see post.

America, but now residing in the City of Bath in the County of Somerset, Merchant, being of sound and disposing Mind Memory and Understanding, Do make Publish and Declare this my last Will and Testament in manner following, (that is to say) I direct that all my Just Debts and Funeral Expences shall be Paid as soon as may be after my Decease, (and which ffuneral Expences shall not exceed Thirty Pounds of lawful Money of Great Britain). And I direct that my Body be carried to the Grave by Six Poor Men, and not in a Herse! I also direct that one Guinea be given to each of the Masters and Mistresses of the Sunday Schools in Bath as an Encouragement for their diligent Instruction of the Children under their Care. Item, I give and bequeath to my worthy Friends William Cooper, William Smith, Oliver Wendell and Ebenezer Storer, all of Boston aforesaid, Esquires, and to the Survivors and Survivor of them, and to such new Trustee or Trustees as shall be chosen as hereafter mentioned, the Sum of One Thousand Pounds of lawful Money of Great Britain, Upon this Special Trust and Confidence, nevertheless, that they the said William Cooper, William Smith, Oliver Wendell and Ebenezer Storer do and shall lay out and invest the said Sum of One thousand Pounds in the Treasury of the said Province of the Massachusetts Bay, or otherwise at their best discretion, and shall and do, Yearly and every Year, or oftener if they shall think fit, pay and distribute the Interest to arise and accrue from the said One thousand pounds unto such poor and decayed Householders of the Town of Boston of either Sex not under the Age of Fifty Years, as they in their discretion shall think fit, being Persons of Good Character and reduced by the Acts of Providence and not by Indolence, Extravagancy or other Vice, (Preference always being given to the nearest Relations of me the Testator any-where residing.) And it is my Mind and Will that the said Charity be not too generally extended but Confined to such a Number of Proper Objects as to make it really beneficial to those on whom it is bestowed;[1] And that my said Trustees and the Sur-

[1] This requires, in my judgment, that the recipients should be, or have been householders in Boston. Preference should be given to the relatives of the

vivors of them and such new appointed Trustees as hereafter mentioned shall and do continue to distribute the Interest of the said One thousand pounds in manner aforesaid for ever, Subject to the Proviso hereafter mentioned, (that is to say) Provided always and it is my Mind and Will that in Case at any time hereafter any Body of Persons or Trustees shall be Incorporated and Established by any Law or Laws of the said Province of Massachusetts Bay for Charitable purposes similar to what are hereinbefore mentioned, that then and as soon as such Establishment shall be made by Law, I do order the said William Cooper, William Smith, Oliver Wendell, and Ebenezer Storer and the Survivors of them and such new appointed Trustees or Trustee to be nominated and chosen as hereafter mentioned, to pay or transfer the said One thousand pounds or the Securities in which the same shall be invested, and also the Interest thereof remaining unapplied, unto the Officers of such Corporation appointed to receive the same, to be held and enjoyed by such Persons or Trustees as shall be so Incorporated and Established by such Law, and their Successors forever, for the purpose of Carrying such Charitable Design into Execution. Item. I give and bequeath to the said William Cooper, William Smith, Oliver Wendell, and Ebenezer Storer and the Survivors and Survivor of them and such new appointed Trustee or Trustees as shall be chosen as hereafter mentioned the further Sum of One thousand Pounds of like lawful Money; Upon this Special Trust and Confidence, that they the said William Cooper, William Smith, Oliver Wendell, and Ebenezer Storer and the Survivors of them, and such new elected Trustee or Trustees as hereafter mentioned shall and do lay out and Invest the said Sum of One Thousand Pounds in the Treasury of the said Province of the Massachusetts Bay or otherwise at their best Discretion, and shall and do Yearly and every Year for ever

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testator, if such there be who fulfil the conditions of the bequest, in the distribution of this charity; but no relative of the testator can share in the proceeds from this fund, unless he or she is, or has been an householder in Boston, and otherwise comes within the description of the testator.

J. P. HEALY, *City Solicitor.*

pay the Interest and Profits to arise from the last mentioned Sum of One thousand Pounds unto the Overseers of the Poor of the Town of Boston, to be applied by the said Overseers for the Nurture and Instruction of poor Orphans and deserted Children of the said Town, (that is to say) for the purpose of Cloathing, Feeding and Teaching such Orphans until they shall severally attain the age of Fourteen Years and no Longer, when, if not before, they are to bind them out to such useful Arts and Business as they may be capable of, at the discretion of the said Overseers, Subject to the Proviso next hereafter mentioned, (that is to say) Provided always and it is my Mind and Will that in Case at any time hereafter any Body of persons, Trustees, shall be Incorporated and Established by any Law or Laws of the said Province for the Support and Education of such poor Orphans and deserted Children of the Town of Boston, that then in such Case, as soon as such Establishment shall be made by Law, I do direct my said Trustees and the Survivors of them and such new elected Trustee or Trustees as hereinafter mentioned, to pay or transfer the said One thousand Pounds or the Securities in which the same shall be Invested, together with the Interest remaining in Hand, unto the officers of such Corporation appointed to receive the same, to be holden by such Corporation and their Successors forever for the Uses and Purposes last aforesaid. Item, I give & bequeath to my two Executors, Moses Gill and John Pitts of Boston Esquires, the Sum of Four hundred Pounds of lawful Money of Great Britain, upon trust to place the same at Interest in such manner as they shall think fit, and to pay the Interest of the said Four hundred Pounds, as the same shall arise and become payable, to my Sister Mary Boylston for and during her Natural Life, and upon the Death of my said Sister Mary Boylston, I give the said Four hundred Pounds, together with all the Interest that shall become due for the same from the Time of her decease, to the said Trustees, upon such and the same Trusts, and to and for the same Ends, purposes and Intents as are hereinbefore Mentioned with respect to the two several Sums of One thousand Pounds, and One thousand Pounds hereinbefore by me

bequeathed for the Benefit & Support of the said Aged Poor Persons, Orphans and deserted Children, in equal Moieties — And it is my further Mind and Will, that when, and as often as any one of my said Trustees shall depart this Life, that then, and in such Case, in order to keep up a sufficient Number of Trustees the then Surviving Trustees, or the Major Part of them, do, (as soon as may be) Choose some other able, fit and discreet person to be a Trustee with them to make up the number of ffour, And thereupon the Surviving Trustees shall Transfer all and Singular the said Trust Money and Effects, and renew all the Securities remaining with them by Virtue of this my Will, in the Names of them the said Survivors and such other Person as they shall name to be Trustee with them their Executors and Administrators; To hold upon Trust for the Performance of this my last Will and Testament, and then my Will is that the Old and New Trustees, the Survivors and Survivor of them, shall, to all Intents and Purposes, have the same Power and Authority and be in and supply the place of all my Trustees first named, and this from time to time as often as there shall be Occasion, (that is to say) when and as often as any of them shall dye and there shall remain any Trust unperformed, the Survivors may take the like Course as aforesaid and fill up the Number with another fit Person until all the said Trusts be Performed. And it is my Mind and Will and I do hereby direct that my Trustees hereinbefore named, or such new Trustee or Trustees as shall be so appointed as aforesaid, or my Executors hereafter Mentioned, shall not be answerable any one for the other or others of them, but each of them for himself only and for his own Act and receipt only, nor shall my said Trustees, any or either of them, be chargeable or Accountable for any loss that may happen by the Investing or laying out the said Legacies or either or any Part of either of them, at Interest, from time to time in pursuance of the Trusts hereby reposed in them, nor with or for any involuntary Loss which shall or may happen to any of the said Trust Monies without their respective Wilful Default; and that they my said Trustees and Executors shall not be answerable for any more than what they shall actually

receive; and that it shall and may be lawful to and for my said Trustees and such other Trustee or Trustees as shall be so appointed as aforesaid, and for my said Executors respectively, by and out of the said Trust and other Money which shall come to their Hands to deduct and retain for themselves all such Costs, Charges & Expences as they or any of them shall or may sustain, suffer or be put unto by reason of the Trusts hereby in them reposed or of any Matter relating thereto.

Item; I give and bequeath to my said Executors at Boston, the Sum of Five hundred pounds of like Money upon Trust, to place the same at Interest in such manner as they shall think fit, and to pay the Interest of the said Five hundred pounds, as it shall become due, to my Nephew, Gillam Tailer, for and during his natural Life, and upon the Death of my said Nephew Gillam Tailer, I give the said Five hundred pounds, together with all the Interest that shall become due for the same from the time of his decease, to the said Trustees upon such and the same Trusts and to and for the same Ends, purposes and Intents as are hereinbefore mentioned with respect to the two several Sums of One thousand Pounds and One thousand pounds herein before by me bequeathed for the Benefit and support of the said Aged Poor Persons, Orphans and Deserted Children in equal Moieties. * * * * * As for and concerning all the rest and Residue and Remainder of my Estate and Effects whatsoever, both real and Personal, I give devise and Bequeath the same to my Executors hereinafter Named (except the following Legacies) To hold to them, their Heirs, Executors, Administrators and Assigns upon such and the same Trusts, And to and for the same Ends, Uses, Intents and Purposes as are hereinbefore mentioned with respect to the two several Sums of One thousand Pounds and One thousand Pounds by me bequeathed for the Benefit and Support of Aged Poor Persons, Orphans, and Deserted Children, in equal Moieties. And, as my Affairs in Great Britain make it unnecessary to Employ more than one Person here for Executing my Requests after my Decease, I do appoint the said Harry Daniel Mander Esq^{r} to be my Sole Trustee, requesting him that my Body, being born by Poor Men early in the Morn-

ing, [be] interred in a decent and frugal Manner in the nearest Parish Church Yard, with a Grave Stone Inscribed, viz — "Here repose the Remains of Mr John Boylston, of Boston in New England, who Died in the Humble Hope of a Happy Immortality, Aged Years :" (I was Born in 1710) — I do Request that, after my Decease, my said Trustee Harry Daniel Mander would take the first Opportunity to advise The Honourable Moses Gill and John Pitts Esquires, my Executors at Boston, of that Event, Whom I do appoint to be Executors of this my Will for the Management of my Affairs in America; And I do Give to each of them and to my said Trustee Harry Daniel Mander Esq^r Twenty-five Pounds of lawful Money of Great Britain.

And I also give to each of my said Trustees, William Cooper, William Smith, Oliver Wendell and Ebenezer Storer Twenty-five Pounds of like Money for his and their Care and Trouble in Carrying the Trusts of this my Will into Execution. And, hereby revoking all former and other Wills by me at any time heretofore made, I do declare this to be my last Will and Testament. In Witness whereof I, the said John Boylston, have to this my last Will and Testament, and to a duplicate thereof, each contained in Six Sheets of Paper, to the first five Sheets Set my Hand, and to the Sixth and last Sheet Set my Hand and Seal this Twenty-Second Day of February in the Year of our Lord One thousand seven hundred and Ninety-three.

JOHN BOYLSTON (L. S.)

Signed, sealed Published and declared by the said Testator John Boylston as and for his last Will and Testament in the presence of us, who, in his Presence and at his request and in the Presence of each other, have Subscribed our Names as Witnesses thereunto —

HENRY BARNES of Bristol
OZIAS GOODWIN,
ROBERT EMERY

The first record of the Donations of John Boylston is made December 30, 1807, and includes both Education and Relief funds, as follows : —

2 bonds Moses Gill,	27,168.00	in the Clerk's Office in the County of Worcester.
$17,141.27 3 p.c. Stock, cost	10,017.72	
Cash in hands of Treasr.	205.61	
	$37,391.33	

Dec. 31, 1816; The Accounts were separated, and amount as follows:

Relief $24,430.02 Education $25,259.97

Each of these accounts contained an item, "½ of Gill's bonds amounting to $13,584," which proved worthless.

XII. Legacy of Jonathan Mason. (1)

From the Will of Jonathan Mason, proved July 15, 1798. Prob. Rec. vol. 96, p. 223.

"I give and bequeath to the Town of Boston the Sum of One thousand dollars, to be paid to the Overseers of said Town and by them laid out in the Public securities of the United States, the interest of which Sum annually to be given to the standing Chaplain of the Alms house and Work-House, or by whatever other name called, and untill there shall be one regularly appointed, I desire and direct that the interest be annually added to the principal, and when so appointed, the annual interest of the whole Sum to be given as above."

XIII. Donation of Mr. Bowen.

March 6, 1800. Rec'd of Mr. Bowen a donation of 13 dols., being so much collected by him at his Museum for the Benefit of poor.

XIV. Fines from Mr. Justice Gorham.

May 29, 1813. Rec'd of Justice Gorham half the amount of three fines assessed on persons smoaking cigars in the Streets, Three dollars.

Sept. 26, 1810. Received of S. Gorham, Esq. one half the amount of a fine incurred by Wendell the Baker for light Bread, $5.00.

[1] This now constitutes the Mason Fund.

XV. Legacy of Samuel Dexter.

From the Will of Samuel Dexter, proved May 7, 1811. Worcester Prob. Rec. vol. 39, p. 391.

"I give to the Overseers of the Poor of the Town of Boston,[1] where I was long an Inhabitant, Three hundred & fifty dollars, being desirous to contribute a mite towards a fund for supplying with Firewood or Coal, such poor persons, objects of charity, as are not supported in the Alms-House, though sometimes relieved by the Overseers;[2] having often, when one of that body, seen instances of such persons being in distress for want of Fuel in the Winter season, and having divers years ago been shown the sketch of a plan for raising such a fund for their Benefit; I order the Money to be paid, eighteen months after my decease, into the hands of said Overseers, the interest to be applied to the purpose aforesaid, as they shall from time to time think proper."

This amount was received May 6, 1812, and now constitutes the Dexter Fund.

XVI. Legacy of Mrs. H. Driscoll.

From the Will of Mrs. H. Driscoll.[3]

"I give and bequeath to the poor of the Town of Boston One hundred dollars, to be paid to the Overseers of the said Poor within a reasonable time after my decease by my Executor hereafter named."—

[1] David A. Neal, bequeathed to the Mayor and Aldermen of the City of Salem the sum of five thousand dollars, the interest or income of which was from time to time to be expended in the purchase of fuel "to be given or sold at low prices, as may be deemed best by the trustees, to such worthy and industrious persons as are not supported in whole or in part at the public expense, but who may need some aid in addition to their own labor to enable them to sustain themselves and their families during the inclement season of the year; such aid to be afforded in the most private manner possible, and the names of the recipients to be withheld from the public." The trustees named declined the trust; a petition was presented by the Mayor to the Supreme Court praying for the appointment of a trustee, and, all parties in interest desiring that the City of Salem might be appointed, the Court were of opinion that it was competent for the city in its corporate capacity to assume that responsibility, and a decree to that effect was accordingly entered.— *Webb* v. *Neal*, 5 Allen, 575.

[2] I can have no doubt that the income of the fund should be appropriated to the furnishing of fuel to such persons as need assistance from the Overseers of the Poor, and are not inmates of the almshouse, being able to supply themselves with the larger part of the necessaries of life from their own means. — J. P. Healy, *City Solicitor*.

[3] No record of this will has been found in the Commonwealth.

Mrs. Driscoll died in Dec. 1814: the above sum of $ 100. was received Aug. 4, 1815, of Mr. S. H. Babcock, Executor.

From the will of William Breed, proved, Sept. 15th 1817. Prob. Rec. vol. 115 p. 566. XVII. Legacy of William Breed.

"To the overseers of the poor of the town of Boston, I give and bequeath one thousand dollars in trust, to apply the income thereof at their discretion to such poor persons as have seen better days & stand in need of relief, and it is my wish that the said principal sum should be added to and make part of the Pemberton donation, so called."—

1818 March 4. Received of Major S Swett a donation of his pay as representative in the last Session of the General Court, Forty two dollars. XVIII. Donation of Samuel Swett.

From the will of Samuel Elliot, proved Jan. 24, 1820. Prob. Rec. vol. 118, p. 91. XIX. Legacy of Samuel Elliot.

"I give to the Overseers of the Poor of the town of Boston Fifteen Hundred dollars — the annual interest whereof is to be by them given yearly to such decayed families, and poor persons of good character in said Town as they shall think best; Persons not in the Almshouse or maintained by the town in whole or in part are here intended. The capital sum to be reserved as a fund, or added to any fund already or that may hereafter be provided or established for this pupose."

From the will of John Coffin Jones, proved November 9, 1829. Prob. Rec. vol. 127. p. 479. XX. Legacy of John Coffin Jones.

"I give & bequeath all my Interest in five Shares, in the Muskingum Company in the State of Ohio, of which I am original proprietor, to my Son in Law Ebenezer Chadwick, in Trust; the same to be applied, or the proceeds thereof, at his discretion, viz . . . . . .

One Share of the said five shares, to be transferd, by my said Trustee, to the Board of Overseers, of the City of Boston, to be applied to the Fund, for the relief & subsistance of Persons of good Moral Character, who have been reduced to Poverty by adverse events, the same to be applied, at the discretion of the said overseers."

Received April 1, 1832, 100. Feb. 21 1833 43.—143

XXI. Legacy of Mary Belknap.

From the will of Mary Belknap, proved Sept. 17, 1832. Prob. Rec. vol. 130, page 215.

"I give to the Overseers of the Poor of the city of Boston and their successors forever, One thousand dollars, as an addition to the Pemberton Fund, so called, and to be appropriated by said Overseers, in the same way and manner in which said fund is to be appropriated."

XXII. Charities founded by David Sears.

In addition to the foregoing, the liberality of a living citizen of Boston, whose generosity has hitherto, at his own desire, been kept in a great measure from the public knowledge, has established two charitable Foundations, under the names of the "Fifty Associates' Charity" and the "Searstan Charter-House."

By a deed from the Honorable David Sears, dated May 1, 1852, the income of certain real estate having been by prior deeds set apart to form a fund called the "Donation Fund," to be held by the Fifty Associates as Actuaries, it is further provided, that one-third of the income of this fund shall be paid to the Overseers of the Poor, or, in their default, to the city of Boston, to such persons or committee as the Mayor and Aldermen and Common Council and their successors may, from time to time, authorize and determine, for permanent investment as the "Fifty Associates' Charity," "subject always to the conditions, limitations, divisions of income, and forfeiture of said Donation Fund, of which it makes a part, and on which it is dependent.

It being understood, however, that, until otherwise notified in writing by the founder of the Donation Fund or his heirs, the Actuaries of the Fifty Associates' Charity are authorized to expend the whole of the income of their fund in the manner and for the objects hereinafter declared: —

To have and to hold the same to the said parties forever, subject to the above conditions and forfeiture; and to revert, with all its property and estate, to said David Sears, the donor thereof, and his heirs, whenever and at the same time the said Donation Fund shall terminate, be forfeited, or cease to exist,

— for the purposes and objects hereinafter written. That is to say, for the following objects and purposes; viz., the aforesaid parties or committees as actuaries of the permanent fund, the Fifty Associates' Charity, hereby created, are to receive the income of said fund as it arises from its investments, and are to expend the whole of the said income, until otherwise notified as above, exclusively, but in their discretion, on the following objects, — namely, in aid and for the support of primary or scientific schools for the instruction and education of the children of meritorious citizens and others who have done the State some service; in aid and for the support of citizens or families who may have seen better days; in aid and for the endowment of such literary or charitable or other institutions as may be needed or desirable; and, finally, for purposes of charity in all its forms, in such a manner as may best tend to alleviate the suffering of human life, and render the condition of the poor more comfortable."

For these purposes the Overseers now hold, subject to the powers, reservations, and conditions contained in the Founder's deeds relating thereto, which cannot be conveniently stated here, the principal sum of $ 25,527.12, which is annually increased by its share of the income already mentioned.

By deed of August 28, 1856, the Founder, pursuant to the powers reserved by his former deeds, set apart one-half of the income of the Fifty Associates' Charity, or, at the option of the Overseers, one-half of their future receipts from the Donation Fund,[1] to which he added a further sum of Five Thousand Dollars and a grant of ten acres of valuable land in Roxbury and Brookline, for the establishment of a charitable institution to be called the "Searstan Charter-House," and "to be applied to the erection and improvements of a charitable institution for the comfortable maintenance of beneficiaries asking such relief, and to the formation of certain funds for their sustenance and support: in such wise, that that respectable but generally helpless

[1] The Overseers elected to set apart one half of the future receipts from the donation fund.

class in the community, who from honorable positions have fallen into decay, and who have too much self-respect to depend on casual charity,—too proud to beg, and yet too poor to live without assistance, — may be supplied with a home *rent free*, and with an an allowance for food and clothing; and putting it in the power of all, if so inclined, in the days of their prosperity, to provide for themselves, and in some degree for those they love, against the material ills of life, — from loss of fortune, and the helplessness of age."

This general statement from a letter of Mr. Sears to the Overseers, tendering these gifts, explains the design of the donor.

The proceeds of ten shares of the capital stock of the Fifty Associates were also appropriated for this purpose, and have been expended, with the sum of five thousand dollars already mentioned and the accumulations of income, in the erection of four houses for the accommodation of the beneficiaries and the improvement of the land.

The total cost of buildings and improvements has been $27,595.62.

In the deed of August 28th the Founders' design is stated to be—to establish "a charitable foundation, upon the plan herein set forth, with the view of providing a comfortable residence and support for all persons by or for whom proportionate contributions shall be made to the amount and in the manner hereinafter specified, and who, by reason of poverty, or other misfortune, shall be desirous to avail themselves thereof;" so that, being suitable subjects for such relief, and duly admitted to the benefits of the Institution, the beneficiaries may not be chargeable to the public or dependent on casual charity.

This deed provides, among other things, for the establishment and support, under the management of the Overseers, as Trustees, with a Governor and Directors from their own number and other officers to be chosen by them, of an Institution, to be called the "Searstan Charter-House;" — for the constitution of a fund, to be entered in an account designated the "Personal Deposit Account," for the particular benefit of

the Founder's issue as beneficiaries;—that beneficiaries shall be entitled to lodge and dwell in the Institution rent free and to an allowance for board and other necessary expenses, or, if lineal descendants of the founder, to an allowance as out-pensioners.

It also provides that other persons, presented by the Directors with the unanimous approval of the Trustees, may become *patrons*, on certain terms, including the deposit of a certain amount, not less than $ 3,000, by each, to be credited as a personal deposit account, — for the benefit of any persons whom they designate and the descendants of such persons; — and that persons entitled to the benefits of the "Personal Deposits" and their descendants, wives, widows, or collateral relatives, dependent on any of them for support may be admitted, under specified circumstances, and in a certain order of preference, by the Directors, with the approval of the Trustees.

On the failure of the issue of the Founder or of any Patron, beneficiaries at large, without contributions, may be admitted to the benefits of their respective deposits.

The Mayor, Aldermen and Common Council of the City of Boston are appointed a Board of Control with certain visitatorial powers, and provision is made, in certain contingencies, for the discontinuance and dissolution of the Charter-House.

The beneficiaries of this Charity, therefore, are to be those already designated by the Founder, and those who may be hereafter designated by others, permitted by the Trustees and Directors, in accordance with the terms of the Trust, to become patrons — and their descendants, wives or collateral relatives.

The foregoing is only a brief and imperfect notice of these Trusts.

They are contained in the following instruments, to which reference may be had.

1. David Sears to the Fifty Associates, August 1, 1823.
   Suffolk Deeds, Lib. 284, Fol. 18.
2. David Sears to the Fifty Associates, January 10, 1825.
   Suffolk Deeds, Lib. 296, Fol. 25.

3. David Sears to Overseers of the Poor of City of Boston, May 1, 1852. Suffolk Deeds, Lib. 633. Fol. 64.
4. David Sears to Overseers of the Poor of City of Boston, Aug. 28, 1856. Norfolk Deeds, Lib. 250, Fol. 221.
5. Actuaries of the Donation Fund to the Fifty Associates, Dec. 18, 1858. Suffolk Deeds, Lib. 749, Fol. 270.

The property devoted to this purpose now consists of the land and buildings already mentioned; and the future accumulations of income, after the repayment to the "Fifty Associates' Charity" of the balance, yet due, with interest, of a certain amount appropriated for the buildings, are to be appropriated, as provided by the deeds, to the support of the Charter-House and for the beneficiaries.

FIFTY ASSOCIATES' CHARITY.

Ledger balances, June 12, 1866.

12 shares Fifty Associates' Corporation stock		$12,300 00	Capital		$25,527 12[1]
2 notes City of Boston		13,000 00	Balance of income on hand		217 13
Due from Searstan Charter-House		99 03			
Cash for investment	128 09				
Relief	217 13				
		345 22			
		$25,744 25			$25,744 25

The total amount of trust funds in the treasurer's hands June 12, 1866, including the "Fifty Associates' Charity" and the funds mentioned in the following statement, appears to be: —

Of investments	$181,176 92
Cash	1,027 52
Total	$182,204 44

Showing a considerable increase since January 1, 1866, when the total amount was $177,888.81.

[1] The income from this capital is expended semi-annually for the relief of the poor, pursuant to the directions of the donor. The number of beneficiaries is now seventy-five.

STATEMENT

OF THE

INVESTMENT OF TRUST FUNDS IN HANDS OF THE OVERSEERS OF THE POOR IN THE CITY OF BOSTON.

OTIS NORCROSS, TREASURER. *June* 12, 1866.

FUNDS.	U. S. 7 3-10 Treas. Bonds.	Mass. 5 per cent. Gold Bonds.	City of Boston Currency Notes.	Boston National Bank Stock.		Columbian National Bank Stock.		Globe National Bank Stock.		Market National Bank Stock.		Massachusetts National Bank Stock.		New England National Bank Stock.		North National Bank Stock.		State National Bank Stock.		Tremont National Bank Stock.		Union National Bank Stock.		Washington National Bank Stock.		Cash.	Total.
	Am.	Am.	Amount.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Sh.	Am.	Amount.	Amount.
Pemberton or General....	$1,450	$2,000	$26,400 00	57	$2,850	...	.....	19	$1,900	60	$6,000	46	$11,500	50	$5,000	9	$882	60	$6,000	47	$4,700	32	3,200	60	$6,000	77 23	77,959 23
Boylston Education	550	2,000	33,100 00	27	1,350	60	$6,000	30	3,000	...	.....	9	2,250	...	.....	16	1,608	...	.....	13	1,300	...	.....	...	.....	24 78	51,182 78
Boylston Relief.....	300	.....	9,300 00	...	.....	...	.....	11	1,100	...	.....	12	3,000	...	.....	...	.....	...	.....	...	.....	28	2,800	...	.....	114 49	16,614 49
Mason.....	7,300	.....	709 80	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	21 29	8,031 09
Dexter.....	100	.....	.....	...	.....	...	.....	...	.....	...	.....	4	1,000	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	281 29	1,381 29
Jeffries.....	.....	.....	1,000 00	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	...	.....	291 31	1,291 31
	$9,700	$4,000	$70,509 80	84	$4,200	60	$6,000	60	$6,000	60	$6,000	71	$17,750	50	$5,000	25	$2,490	60	$6,000	60	$6,000	60	$6,000	60	$6,000	$810 39	$156,460 19

TOTAL INVESTMENTS	$155,649 80
CASH	810 39
	$156,460 19

BY LAWS

OF THE

OVERSEERS OF THE POOR.[1]

I. The officers of the Board shall be a Chairman, Secretary, and Treasurer, together with the Visitors hereafter named; and such clerks or agents as the business may require; and no paid officer shall be a member of the Board. No one of the Overseers, nor any individual in their employ, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor, or for articles furnished by direction of said Overseers, unless the same be expressly authorized by a recorded vote of the Board.

II. A stated meeting of the Board shall be held on the first Monday of each month during the year. At the stated meeting in April, the Board shall proceed to the election of a Chairman from its own number. At the same meeting the Board shall also proceed to elect a Treasurer and Secretary, and fix the Secretary's salary.

III. A central office shall be established, in a convenient situation, with ample accommodations to receive the applications of the poor; and for this purpose such office shall be open to applicants every day in the year, at such hours as the Board from time to time shall appoint. It shall be recommended to the city to provide a building to contain the central office, and as many of the offices of charitable societies as can be accommodated with convenience and advantage, and as can render services to the Board, which may be an equivalent for their rent. It is designed that the Overseers and their officers shall consult and co-operate with such societies.

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[1] Adopted September 5, 1864, and amended April 3, 1865. See the Records of the Board, — organized under St. 1864, c. 128, vol. 1, pp. 8, 19, 20.

IV. Except in cases of pressing necessity, no relief shall be afforded to any person who has not been previously visited by some member of the Board, or by some person authorized by the Board, and the case recorded at the central office.

V. There shall be in attendance, at such office, during the hours appointed, the Secretary of the Board, or some officer or member thereof, whose duty it shall be promptly to hear every application for relief, and to cause the same to be recorded with all useful particularity, in conformity with the City Ordinance, in a book to be kept for that purpose. In cases of pressing necessity, it shall be the duty of the officer receiving such application to afford such temporary aid as may at the time be necessary. And in every case, it shall be the duty of some officer of the Board promptly to visit the applicant and to record in a book, to be kept for that purpose in said office, the facts observed or obtained upon such visit, and the opinion of the visitor as to the necessity and nature of aid or relief, which records shall be properly arranged and indexed.

VI. All applications and reports, which in their nature and circumstances admit of it, shall be referred to a Committee of the Board, to consist of five members, to be called the Committee of Investigation and Relief, of whom three shall be a quorum, who shall decide whether any relief be given, and if any, the nature and extent of the same, which decision shall be recorded, and shall be promptly carried into effect by the Secretary, or other officer, for that purpose designated by the Board. The meetings of said Committee shall be held at the central office, and shall be sufficiently frequent to afford to the poor seasonable hearing and aid.

VII. Any person aggrieved by the decision of any officer of the Board, or of the Committee, shall have an opportunity to be heard by the Board, at convenient times, to be hereafter appointed.

VIII. In addition to the officers specifically named in the statute, the Board shall appoint suitable subordinate officers, who shall be called visitors, whose duty it shall be personally to visit the applicants for relief, and to make the report hereinbefore pro-

vided, and who shall be paid for such service, at such rates as shall be determined by a vote of the Board.

IX. Any citizen of Boston shall be at liberty to refer to the Board for investigation and relief, if needed, such cases as he may deem suitable for relief or inquiry.

X. The Board shall appoint the following Standing Committees, in addition to that named in Article VI. to wit: A Committee of Finance and Accounts, to consist of three members; a Committee on Employment, Settlements, and Removals, to consist of three members; whose duty it shall be, in addition to ascertaining settlements and attending to removals, to assist the poor, who are able to work, in obtaining employment; a Committee on the Temporary Home, to consist of three members; and a Committee on Supplies, to consist of three members, who shall superintend the purchase, deposit, and delivery of all food, clothing, fuel, and other articles for distribution, other than those of the Temporary Home, subject to such rules as may be adopted by the Board. No bills shall be paid by the Treasurer without a vote of the Board authorizing the same.

XI. Tickets may be issued according to rules adopted by the Board, entitling the holders to a meal at the Temporary Home; or to a lodging, according to their sex, at the Home, or at the police station.

XII. It shall also be recommended to the city that the police stations be used, as at present, for temporary lodgings; and food be given there to the destitute at night and on Sundays, so that persons asking relief in the streets may always be sent, at those times, to the nearest station-house, and at others, to the central office. Reports of the names, residences, and occupations of all persons lodged or fed at the stations, shall be sent daily to the central office. And if the Board shall, at any time, deem it expedient, a visitor or member may attend at the several police stations, at fixed hours, for the purpose of receiving applications, which shall be recorded and the applicants visited, as if received at the central office.

OVERSEERS OF THE POOR IN THE CITY OF BOSTON.

To hold office until the first Monday of April 1867 :

Robert C. Winthrop, *Chairman*,
Joseph Buckley,
Loring Lothrop,
Ebenezer Atkins.

To hold office until the first Monday of April 1868 :

Thomas C. Amory, Jr.
Joel Richards,
George S. Hale,
William B. Spooner.

To hold office until the first Monday of April, 1869 :

Francis E. Parker,
James L. Little,
Martin Griffin,
Thomas Blasland.

Otis Norcross, *Treasurer*.
John Pratt, *Secretary*.
Miss Nellie M. Conyers, *Matron of Temporary Home*.

STANDING COMMITTEES.[1]

1. *Investigation and Relief.* — Messrs. Robert C. Winthrop, Loring Lothrop, Ebenezer Atkins, George S. Hale, and Thomas C. Amory.
2. *Finance and Accounts.* — Messrs. Francis E. Parker, James L. Little, and Martin Griffin.
3. *Employments, Settlements, and Removals.* — Messrs. Thomas C. Amory, Francis E. Parker, and Thomas Blasland.
4. *Temporary Home.* — Messrs. Joseph Buckley, Joel Richards, and James L. Little.
5. *Supplies.* — Messrs. William B. Spooner, Ebenezer Atkins, and Joseph Buckley.

[1] To hold office until the first Monday of April, 1867.

OFFICERS OF THE SEARSTAN CHARTER-HOUSE.[1]

Chairman and Governor. — Hon. Robert C. Winthrop.
Directors. — Messrs. Winthrop, Buckley, Spooner, Little, and Blasland.
Treasurer. — Otis Norcross.
Clerk and Recorder. — John Pratt.

THE CITY TEMPORARY HOME.

The following account of this Institution has been prepared for the manual, at the request of the Committee, by a member of the sub-committee in charge thereof:

The "City Temporary Home," in charge of this Board, was established at No. 133 Charles Street, on the first day of May, 1862. It can, therefore, no longer be considered an experiment, but, if continued, must assume its proper position among the beneficent institutions of the city; and it is considered by those having acquaintance with the detail of its operations, that for a comparatively moderate outlay of money, it is accomplishing a more than compensating amount of good, to a class of persons who would, in all probability, otherwise become a permanent charge upon the bounty of the city or state.

This house is not intended, and is not used for the accommodation of any person who from any cause is entirely destitute or unable to earn a living and must become a permanent recipient of the charity of the public. For these the institution of the city, at Deer Island, and those of the State, at Bridgewater, Tewksbury and Monson, have been provided, and to one of them such persons are immediately forwarded if they happen to be brought to the "Home." But as its title indicates, it has been instituted for granting such temporary shelter and food as may be needed by persons who require such assistance, while endeavouring to procure employment or find friends who are able and willing to provide for them.

Many women reach the Home, who have come from abroad in

[1] To hold office until the first Monday of April, 1867.

search of friends or employment, and we have had the satisfaction, in numerous instances, of discovering the former for them, or, failing in this particular, of procuring good situations for them, where they could earn an independent support.

The number of young girls from the country and the neighbouring States who have been induced to come to the city in the hope, and in many instances with the promise of employment at high rates of compensation, and who, when here, find themselves abandoned and disappointed, and feel in their loneliness and despair almost compelled to enter upon a life of shame and infamy, is much larger than any one not intimately acquainted with the subject would easily realize; many of these find their way, or are brought to us, and are properly cared for, and, if good situations cannot be procured for them after a few days' trial, they are returned to the homes they had left.

We have in mind the case of a young girl not more than seventeen years of age, the daughter of a professional gentleman in a neighboring State. She had been deceived by a young man to whom, with the consent of the parents, she was betrothed; he had enlisted and gone to the war, and, finding that before many months she must become a mother, in a state almost of distraction, she left her home, in the hope of hiding her shame from the knowledge of her parents, and, with no other definite idea, came to Boston, where she was entirely a stranger, and, after wandering the streets for some time, was accosted by a female, who carried her to a house of prostitution; here she was found and brought to the Home, when, after a few days of kind and sympathetic treatment, she was induced to tell her story to the matron, and the result was her restoration to the home and the hearts of her parents; the young man who had been the cause of her fall was written to, he obtained a furlough, returned home, and made the only atonement in his power by marrying the girl, and when last heard from, they were living in peace and comfort, with nothing, apparently, but the recollection of their transgression to cast a shade over their lives. This is not by any means an isolated case; but is stated in illustration of one of the many opportunities of doing good and con-

ferring a benefit upon our fellow creatures which are constantly arising at this establishment.

In the course of the year the Home receives as inmates many women who have been at the State Alms Houses, or perhaps in private charitable institutions, for the purpose of being confined; they come with their infants, and if no objection is apparent, places are found for them in good families as wet nurses, and for this service they are generally very well compensated; for their infants we procure board and good care with poor, but kind and responsible, persons, who, with this assistance, are generally able to live without calling upon the city for contributions to their support.

All the foundlings of the city are brought immediately to the Home, and if found to be healthy and otherwise in such general good condition as warrants such a course, they are retained in the house for the purpose of being disposed of to persons who are willing to adopt and care for them as their own, and who are able to satisfy the matron of their undoubted ability and intention to do so; in this way we are able to provide for all the foundlings brought to us who are not diseased or otherwise objectionable. It seems almost unaccountable that so many good homes can be found for such children, and the fact is somewhat remarkable that, of all we have disposed of in this way, but two have been returned to us, and these were found to be badly diseased, although it could not be discovered at the time they were given away. All other foundlings are immediately sent to the State Institutions, and, we have every reason to believe, very few of them survive. This is not surprising, when it is considered that they have generally been so neglected or abused by their unnatural parents as to make it evident that their hold on life is very slight.

Since the Home has been in operation, now three years and eight months, we have had forty-eight deaths, all infants. The present able and efficient matron has had charge of the establishment for the past fourteen months, during which period only two deaths have occurred: these were foundlings, in a dying condition when brought to the Home, and neither survived twenty-four hours. No adult has ever died in the house.

The Committee feel justified in the statement that no child has died in consequence of any illness contracted after it was brought to the Home, and this circumstance is considered worthy of note.

The police are directed to bring all lost children to the Home, and the number of these annually restored to their parents is not inconsiderable.

The Home is always prepared, at proper hours, to furnish something to eat, to any person who may make application; the average number of persons applying for meals through the year is probably about eight each day, being naturally greater during the winter than the summer months.

We have had thirteen births in the house, but, as far as practicable, these cases are sent to the State Institutions.

There are nineteen beds in the house, and the largest number we have accommodated during any one night is twenty-four adults, nine children, and seven infants.

It should be understood, that no man, not connected with the Home, is allowed, under any circumstances, to sleep in the house. All male applicants for lodgings are referred to the police stations.

The force conducting the Home, consists of—

A Matron and Superintendent.
Assistant Matron.
Assistant Superintendent.
Cook.
Laundress.

The general rules governing the Home, are: —

No loud talking or singing, and no spirituous liquors or smoking allowed in the house.

All persons applying for temporary relief shall wash and otherwise cleanse themselves under the direction of the Assistant Superintendent.

All persons receiving relief shall assist in such work about the house as may be required by the Superintendent or Matron, and, when not employed, shall remain in their rooms.

All females, upon entering or leaving the house, shall be subject to examination by the Assistant Matron, and their bundles or packages to examination by the Assistant Superintendent.

All persons receiving relief shall retire by 9 o'clock P. M., and no conversation shall be allowed in the bedrooms afterwards.

No drunken or disorderly person is allowed to come into the house.

All violations of the rules are to be reported to the Superintendent.

Nurses are not allowed in the kitchen or any of the rooms upon the lower floor, or to have any intercourse with the domestics employed in the house, without permission.

No food is to be taken into the nurseries without leave from the Assistant Matron.

Each nurse shall be responsible for the clothing of the child or children under her care; shall wash and iron the same, as well as other articles for use in the nursery or bedrooms; and it shall be the duty of each to nurse such children as may be required by the Assistant Matron.

The children shall have a bath daily.

The nurses shall bathe twice in each week, and keep themselves otherwise cleanly, to the satisfaction of the Assistant Matron.

Nurses are allowed to leave the house only by permission, and always to be in the house by 9 P. M. Nine and a half o'clock to be the bedtime for all the nurses.

The Assistant Matron is to have the general charge of the nursery and bedrooms, and of all matters connected therewith.

No fees to be charged, except by the direction of the Committee of the month.

Rules for the Office.

The Assistant Superintendent shall sleep in the office at night, and attend the call of the bell at all times.

He shall receive the applicants and make such disposition of

them as the case requires, under the supervision of the Superintendent.

The Superintendent shall keep a record of the number of applicants for relief, with the names, as far as practicable.

He shall make particular record in all cases of foundlings brought to, as well as of children born in the house, in a book provided for the purpose, giving all such facts as may serve to identify the child. A name shall be given it at once. Monthly, a record shall be made of all the children in the house, giving their names, and also of all the family in the house on the first day of the month, including the nurses and domestics, as well as the number of persons who have received relief; and a copy of the same shall be sent to the office of the Overseers of the Poor.

When a foundling is given away for adoption, careful inquiry shall be made by the Superintendent, to avoid placing them with irresponsible persons, and a very particular record shall be made of all the circumstances connected therewith, as also in the case of death.

As far as is practicable, all entries and departures which might be objectionable to the neighbors shall be from the rear of the house.

It shall furthermore be the duty of the Assistant Superintendent to make himself generally useful in and out of the house in any matter pertaining to the same.

Bill of Fare for the Inmates.

Tea and Bread, night and morning.

Two days in the week Corn Cakes instead of Bread.

Dinners.

Sunday, Baked Beans, Bread, Pepper, Salt, and Vinegar.

Monday, Beef-stew, Bread and Potatoes, "

Tuesday, Salt Fish, Bread, and Potatoes.

Wednesday, Corned Beef, Bread, and Potatoes.

Thursday, same as Monday.

Friday, same as Tuesday.

Saturday, same as Monday.

During the year ending April 30, 1866, there have been admitted to the Home 1,517 persons, of which

175 were Americans.
1,003 were foreigners.
409, children under twelve years of age.
17 children have been adopted by good families.
43 wet nurses have procured situations.
177 women have procured situations as domestics.
2,762 single meals have been furnished.

LIST OF OVERSEERS.

The following is a list of the Overseers of the Poor of Boston, from 1691 *to* 1866 *inclusive. Previously to* 1691, *and perhaps between* 1692 *and* 1698, *it is presumed that the Selectmen of the town had the care of the Poor.*[1]

NAMES.	When first chosen.	Years of service.	NAMES.	When first chosen.	Years of service.
Allen, Jeremiah,	1714	1	Ballentine, John,	1709	1
Alford, John,	1720	2	Bedgood, Jeffrey,	1727	15
Avery, John,	1765	1	Bromfield, Edward,	1735	21
Abbott, Samuel,	1770	5	Barrett, John,	1748	27
Austin, Jonathan L.	1784	18	Bourne, Melatiah,	1758	9
Austin, Joseph,	1821	1	Bromfield, Henry,	1761	4
Adams, Abel,	1830	1	Bradford, John,	1768	1
Adams, William,	1838	5	Barrett, Samuel,	1776	8
Adams, Paul,	1847	2	Bowes, Nicholas,	1778	6
Andrews, Henry R.	1850	5	Brewster, Oliver,	1796	8
Adams, Simeon P.	1856	4	Bass, Henry,	1820	4
Amory, Thomas C.	1864		Badger, Thomas,	1822	4
Atkins, Ebenezer,	1864		Bradlee, David W.	1823	3
Browne, Edmond,	1692	1[2]	Barrus, Rufus L.	1826	1
Byfield, Nathaniel,	1700	2	Bartlett, Levi,	1826	4
Bromfield, Edward,	1702	4	Briggs, Billings,	1827	17
Brattle, Thomas,	1704	2	Budd, Nathaniel,	1833	2
Borland, John,	1704	3	Borrowscale, John,	1842	1
Bannister, Thomas,	1707	1	Blasland, Thomas,	1845	7
Boult, John,	1707	4	Ball, John,	1846	1

[1] Names beginning with the same letter are placed together, but in the order of the year in which the respective Overseers were first chosen. A blank opposite the year indicates that the Overseer is still in office. Where the same name is repeated, it is not always known whether it indicates a different person or not.

[2] Between 1692 and 1698 no record of the choice of Overseers has been found. Possibly those chosen in 1692 served during the interval also.

Barnard, Charles F.	1847	1
Brackett, Richard,	1850	1
Blake, William,	1854	1
Brock, Ephraim,	1854	3
Berry, Daniel C.	1855	6
Brooks, Levi S.	1861	1
Buckley, Joseph,	1864	
Blasland, Thomas,	1866	
Coleman, William,	1691	1
Checkley, Samuel,	1692	1
Calef, Robert,	1703	1
Clark, William,	1704	3
Clark, Francis,	1706	1
Chauncey, Charles,	1710	2
Checkley, Samuel,	1714	1
Clark, Timothy,	1715	16
Colman, John,	1715	1
Chever, Joshua,	1735	8
Codman, John, Jr.	1787	9
Codman, Stephen,	1802	2
Clap, Samuel,	1804	6
Coolidge, Joseph, Jr.	1804	18
Cutler, Pliny,	1822	1
Child, Richards,	1826	9
Cleveland, Aaron P.	1826	8
Chamberlin, Ezra,	1832	1
Carruth, Nathan,	1835	1
Campbell, Isaac T.	1855	2
Coleman, John,	1859	2
Carr, John,	1860	1
Carruth, Chester H.	1861	1
Condon, Samuel,	1861	1
Deering, Henry,	1698	4
Draper, Richard,	1698	2
Davis, Benjamin,	1701	1
Dummer, Jeremiah,	1702	2
Deering, Henry,	1723	9
Downe, William,	1737	14
Dolbear, Benjamin,	1757	20
Dexter, Samuel,	1760	3
Dyer, John D.	1822	1
Dodd, Benjamin,	1832	1
Dana, Francis,	1836	1
Davis, Thomas A.	1836	1
Daniell, Josiah,	1837	1
Davis, Joshua,	1837	2
Durkee, Silas,	1852	11
Eyre, John,	1700	1
Edes, Edward,	1786	18
Eliot, Ephraim,	1811	4
Edmands, Thomas,	1823	1
Evarts, Jeremiah,	1824	1
Edwards, Henry,	1833	3
Eustis, Joseph,	1838	7
Eastman, Edmund T.	1853	3
Edwards, William,	1853	1
Emery, Isaac,	1853	4
Erskine, Bedfield,	1862	2yrs.5ms.
Erving, Edward S.	1864	6ms.
Frizzle, John,	1712	3
Franklin, John,	1751	1
Flucker, Thomas,	1756	5
Foster, James H.	1823	13
Fitch, Jeremiah,	1825	1
French, Benjamin V.	1826	1
French, Benjamin,	1827	1
Freeman, William,	1843	8
Follett, William B.	1855	1
Flynn, James J.	1861	3½
Gooch, James,	1715	14
Greenough, Samuel,	1726	13
Greenwood, Nathaniel,	1755	2
Gardner, Joseph,	1761	6
Greanleaf, William,	1766	10
Gore, John,	1767	8
Gorham, Stephen,	1790	14
Goddard, Benjamin,	1802	7
Goodwin, Ozias,	1804	14
Grant, Moses,	1827	3
Grosvenor, Lemuel P.	1833	1
Gould, Thomas,	1834	1
Gill, Perez,	1835	3
Greene, Moses C.	1848	3
Gore, Thomas,	1851	1
Gould, Benjamin T.	1852	2
Grace, Patrick I.	1862	2
Gurney, Henry,	1863	1 m.
Griffin, Martin,	1864	
Hutchinson, Elisha,	1700	2
Holyoke, Elizur,	1703	3
Heath, Elias,	1704	1
Harris, William,	1707	1
Hirst, Grove,	1708	6
Hutchinson, William,	1715	5
Hunt, John,	1731	6
Hill, John,	1733	24
Hubbard, Thomas,	1734	22
Henchman, Daniel,	1735	9

Hunt, Samuel,	1739	5
Hammatt, Benjamin,	1763	4
Hewes, Samuel,	1777	3
Hill, Henry,	1787	24
Hall, Jacob,	1816	5
Howe, Thomas,	1823	2
Henchman, Daniel,	1829	25
Hudson, Benjamin,	1829	1
Hartt, Joseph,	1836	6
Haskins, George F.	1837	1
Harding, Wilder,	1839	2
Hollis, Thomas,	1843	2
Hazeltine, Isaac H.	1845	2
Haviland, Thomas,	1849	8
Hill, Thomas, Jr.	1852	3
Hoppin, John,	1855	1
Hall, Seth,	1857	2
Hickey, William,	1858	1
Hale, George S.	1865	
Inches, Henderson,	1763	4
Ingalls, Jonathan,	1823	8
Jackson, Jonathan,	1727	7
Jackson, Thomas,	1822	2
Jackson, Stephen W.	1824	1
Jarvis, William P.	1838	1
Jarvis, Charles,	1862	2½
Kuling, Samuel,	1707	3
King, Gedney,	1821	1
Knapp, John,	1824	2
Kern, George F.	1832	2
Kenney, John,	1861	2½
Lynde, Samuel,	1692	9
Lendall, Timothy,	1711	3
Legg, John,	1716	8
Leverett, John,	1767	9
Lincoln, Heman,	1822	1
Lothrop, Stillman,	1823	1
Lewis, Joseph W.	1825	2
Lewis, Joseph,	1824	29
Lewis, Asa,	1827	2
Loring, James,	1832	1
Lane, John F. W.	1851	2
Littlehale, Sargent S.	1851	1
Leavitt, Thomas,	1857	2
Lothrop, Loring,	1861	
Lawrence, William R.	1864	1½
Little, James L.	1865	
Minott, Stephen,	1704	2
Martyn, Edward,	1715	2
Mason, Jonathan,	1760	28
Mackay, William,	1804	19
May, Samuel,	1815	8
Means, James,	1824	1
Merrill, James C.	1828	1
Means, Isaac,	1836	1
Milton, Ephraim,	1838	7
Moriarty, Joseph,	1838	10
Millard, Samuel,	1848	3
Mair, Thomas,	1854	1
Morris, Thomas D.	1856	1
McLaughlin, John,	1864	6ms.
Norwood, Samuel,	1824	3
Newell, Richard A.	1835	2
Noyes, Daniel,	1837	1
Newmarch, Samuel,	1859	6
Oliver, Nathaniel,	1700	1
Oliver, Daniel,	1715	17
Oliver, Andrew,	1739	19
Osborn, John,	1841	3
Palmer, Thomas,	1704	8
Pemberton, Benjamin,	1708	1
Pitts, James,	1714	1
Prout, Timothy,	1720	5
Phillips, John,	1742	21
Phillips, William,	1756	22
Pitts, James,	1757	3
Partridge, Samuel,	1767	19
Proctor, Edward,	1775	36
Powell, William,	1776	12
Paine, Edward,	1776	2
Prentice, Henry,	1784	3
Parkman, Samuel,	1785	11
Phillips, William, Jr.	1788	34
Perkins, Thomas,	1796	26
Phillips, Jonathan,	1811	11
Phillips, Edward,	1820	5
Parker, Ebenezer,	1824	2
Parsons, Edward,	1824	2
Perkins, Samuel,	1831	1
Parkman, Francis,	1831	1
Palmer, Julius A.	1835	2
Pitman, Thamas S.	1835	1
Patten, Thomas,	1837	2
Peirce, Jonathan,	1855	1 m.
Pratt, John,	1855	6
Parker, Francis E.	1864	
Robe, William,	1692	1
Ruck, John,	1707	28

Rogers, George,	1743	5
Richards, Joseph,	1809	11
Richardson, Jacob,	1834	1
Russell, John B.	1836	1
Riley, Patrick,	1856	1
Robbins, Oliver R.	1859	5
Richards, Joel,	1864	
Stoddard, Simeon,	1690	1
Sewell, Samuel,	1701	3
Savage, Ephraim,	1702	3
Stoddard, Simeon,	1703	4
Savage, Habijah,	1709	5
Smith, Thomas,	1714	6
Storer, Ebenezer,	1744	17
Sherburne, Joseph,	1751	5
Smith, Isaac,	1757	22
Storer, Ebenezer,	1763	4
Sweetser, John,	1776	26
Smith, William,	1788	28
Snelling, Samuel,	1802	20
Snow, Gideon,	1822	1
Slack, Ruggles,	1825	2
Simonds, Artemas,	1829	4
Smith, Benjamin,	1831	3
Sanger, Samuel,	1832	3
Simonds, Alvan,	1832	4
Seaton, Ambrose,	1834	5
Stevens, Ebenezer,	1836	1
Stearns, Elijah,	1847	4
Stinson, Samuel,	1852	4
Spooner, William B.	1864	
Thrasher, Francis,	1703	1
Thacher, Oxenbridge,	1726	1
Tyler, William,	1733	18
Tudor, John,	1751	9
Tyler, Royal,	1755	17
Tyler, Thomas,	1767	4
Tilden, Bryant P.	1810	6
Tuckerman, Edward, Jr.	1816	4
Trull, Ezra,	1826	1
Tuckerman, Joseph,	1830	1
Tilden, Calvin,	1831	1
Tileston, Otis,	1837	1
Tarbell, Thomas,	1839	12
Trafton, Israel S.	1855	9½
Todd, Jacob,	1857	1
Walker, Benjamin,	1691	4
Williams, Nathaniel,	1691	1
Walker, Thomas,	1701	1
Welstead, William,	1705	8
Winslow, Edward,	1712	2
Waldo, Jonathan,	1722	4
Williams, Jonathan,	1724	3
Wendall, Jacob,	1729	29
White, Isaac,	1739	4
Walker, Isaac,	1743	19
Whitwell, William,	1762	14
Waldo, Joseph,	1767	4
White, William,	1767	8
Williams, Jonathan,	1767	1
Whitwell, Samuel,	1769	21
Waldo, Daniel,	1771	5
White, John,	1775	21
Webb, Joseph,	1780	6
Webster, Redford,	1796	28
Welles, Arnold, Jr.	1796	6
Walley, Samuel H.	1818	2
Wild, Daniel,	1822	2
Woodcock, Joseph,	1826	4
Wheeler, Moses,	1827	5
Wells, Charles,	1828	1
Willis, Clement,	1838	1
Warren, John W.	1839	27
Wheeler, Joel,	1840	2
Willett, William,	1843	7
Whiting, Calvin,	1851	5
Wood, Alexander,	1851	3
White, John,	1854	8
Wentworth, Jacob C.	1859	2
White, John H.	1859	2
Wyman, Abraham G. Jr.	1862	2
Winthrop, Robert C.	1864	

A List of the Treasurers of the Overseers of the Poor of Boston, from 1760 *to* 1866, *inclusive.*

John Phillips,	chosen	1760
John Barrett	"	1772
Isaac Smith,	"	1777

Jonathan Mason,	chosen,	1787
John Sweetser, Jr.	"	1795
Thomas Perkins,	"	1799
Edward Phillips,	"	1822
James H. Foster,	"	1825
Joseph Lewis,	"	1836
Daniel Henchman,	"	1853
J. W. Warren,	"	1854
Otis Norcross,	"	1865

The following is a list in chronological order of all the general acts, relating to Paupers or to the Overseers of the Poor, to be found in "The Charters and General Laws of the Colony and Province of Massachusetts Bay," commonly cited as Anc. Chart., in Metcalf's edition of the General Laws of Massachusetts to February, 1822, and the continuation thereof to the Revised Statutes, or subsequent thereto, in the published laws.

To these many others on kindred subjects, and some of an early date from other sources, have been added.

STATUTES PRIOR TO THE REVISED STATUTES.

Statute.	Title.	Date.	Printed in.
Colony Laws, c. liii.	Acts respecting idle persons,	1633, 1668, 1682.	Anc. Ch. 128.
Colony Laws, c. lxxv.	Acts relating to the Poor,	1639, 1659, 1674, 1675.	Ib. 173, 174 175.
Colony Laws, c. xlviii.	Acts against fornication,	1642, 1665.	Ib. 115-6.
Colony Laws, c. xcvi.	Acts respecting Towns, their powers, &c.	1660, 1670, 1671, 1679.	Ib. 195.
Colony Laws, c. xcix.	An Act respecting vagabonds,	1662.	Ib. 200.
St. 4, W. & M. Prov. Laws, c. xi.	An Act for the punishing of criminal offenders,	1692.	Ib. 237.
St 4, W. & M. Prov. Laws, c. xv.	An Act for regulating of townships, choice of town officers, and setting forth their power.	1692.	Ib. 247-253
St. 6, W. & M. Prov. Laws, c. xxvii.	An Act for the relief of Idiots and Distracted Persons.	1694.	Ib. 276-7.
St. 11, W. III.	An Act for the suppressing and	1699.	Ib. 334-8.

Statute.	Title.	Date.	Printed in.
Prov. Laws, c. lxiii.	punishing of rogues, vagabonds, common beggars, and other lewd, idle and disorderly persons; and also for setting the poor to work.		
St.13, W. III. Prov. Laws, c. lxxvii.	An Act directing the admission of town inhabitants.	1701.	Anc. Ch. 362-4.
St. 7, Anne, Prov. Laws, c. xcvii.	An Act in addition to the Act for the relief of Idiots and Distracted persons.	1708.	Ib. 387.
St. 7, Geo. I. Prov. Laws, c. cxxxv.	An Act for explanation of, and Supplement to An Act referring to the Poor, &c.	1720.	Ib. 429, 430.
St.11, Geo. I. Prov. Laws, c. cxliii.	An Act for the better regulating the admission of town inhabitants within the Province of the Massachusetts Bay.	1724.	Ib. 436-8.
St. 8 & 9, Geo. II. c. iii.	An Act for employing and providing for the Poor of the Town of Boston.	1735.	Mass. Perpetual Laws, 277.
St. 10, Geo. II. Prov.Laws, c. cxcv.	An Act in further addition to an Act directing the admission of town inhabitants, made and passed in the thirteenth year of the reign of King William the Third.	1736.	Anc. Ch. 508-9.
St. 10, Geo. II. Prov.Laws, c. cci.	An Act in further addition to an Act entitled "An Act for the relief of Idiots and Distracted Persons."	1736.	Ib. 515.
St. 13, Geo. II. Prov.Laws, c. cciv.	An Act in explanation of sundry Acts heretofore made, referring to the admission of town inhabitants.	1739.	Ib. 519.
St. 14, Geo. II. Prov.Laws, c. ccix.	An Act to enable the Overseers of the Poor and Selectmen to take care of idle and disorderly persons.	1736. 1741.	Ib. 525.
St. 17, Geo. II. Prov.Laws, c. ccxxi.	An Act for erecting of Workhouses for the reception and employment of the idle and indigent.	1743.	Ib. 546.
St. 4, Geo. III.Prov.Laws, c. cccliii.	An Act in addition to and explanatory of the several Acts of this Province, providing for the support and maintenance of the Poor.	1764.	Ib. 660.

Statute.	Title.	Date.	Printed in.
St. 7, Geo. III. Prov. Laws, c. cccvi.	An Act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants.	1767.	Anc. Ch. 662.
St. 10, Geo. III. Prov. Laws, c. cccxii.	An Act in addition to an Act made and passed in the eleventh year of the reign of King William the Third, entitled "An Act for suppressing and punishing of rogues, vagabonds and common beggars, and other lewd, idle and disorderly persons, and for setting the Poor to work."	1770.	Ib. 669.
St. 12, Geo. III. Prov. Laws, c. cccxv.	An Act in addition to and explanatory of the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants.	1772.	Ib. 674.
St. 16, Geo. III. Prov. Laws, c. cccxxix.	An Act in addition to an Act, passed in the year sixteen hundred ninety-four, for the relief of Idiots and Distracted Persons.	1776.	Ib. 694.
Ind. I. Prov. Laws, c. cccxxxii.	An Act in addition to an Act, entitled "An Act for regulating of Townships, choice of town officers, and setting forth their power."	1777.	Ib. 698.
St. 1783, c. 38.	An Act empowering the Judges of Probate to appoint Guardians to minors and others.	March 10, 1784.	Laws of Mass. i. 112.
St. 1785, c. 66.	An Act for the Punishment of Fornication, and for the Maintenance of Bastard Children.	March 15, 1786.	Ib. 237.
St. 1785, c. 75.	An Act for regulating Towns, setting forth their Power, and for the choice of Town Officers, and for repealing all Laws heretofore made for that purpose.	March 23, 1786.	Ib. 250.
St. 1787, c. 29.	An Act for the Relief of poor Prisoners who are committed by Execution for Debt.	Nov. 19, 1787.	Ib. 315.
St. 1787, c. 54.	An Act for suppressing and punishing of Rogues, Vagabonds, common Beggars, and other	March 26, 1788.	Ib. 322.

Statute.	Title.	Date.	Printed in.
	idle, disorderly, and lewd persons.		
St.1788, c. 30.	An Act for erecting Work-Houses for the Reception and Employment of the Idle and Indigent.	Jan. 10, 1789.	Laws of Mass. i. 537.
St. 1789, c. 9.	An Act in addition to an Act made and passed in the year of our Lord one thousand seven hundred and eighty-seven, entitled "An Act for the Relief of poor Prisoners who are committed by execution for Debt."	June 22, 1789.	Ib. 365.
St.1789, c. 14.	An Act determining what Transactions shall be necessary to constitute the Settlement of a Citizen in any particular Town or District.	June 23, 1789.	Ib. 366.
St.1790, c. 39.	An Act in addition to an Act, &c. (St. 1789, c. 14.)	March 9, 1791.	Ib. 386.
St.1790, c. 42.	An Act for the Relief of poor Prisoners confined in Gaol for Taxes.	March 10, 1791.	Ib. 387.
St.1791, c. 44.	An Act in addition, &c. (St. 1789, c. 14.)	March 6, 1792.	Ib. 402.
St.1792, c. 69.	An Act in addition, &c. (St. 1789, c. 14.)	March. 22, 1793.	Ib. 423.
St.1793, c. 34.	An Act ascertaining what shall constitute a legal Settlement of any Person in any Town or District within this Commonwealth, so as to entitle him to Support therein, in case he becomes Poor and stands in need of Relief; and for repealing all Laws heretofore made respecting such Settlement.	Feb. 11, 1794.	Ib. 431.
St.1793, c. 59.	An Act providing for the Relief and Support, Employment and Removal of the Poor, and for repealing all former Laws made for those purposes.	Feb. 26, 1794.	Ib. 438.
St.1796, c. 23.	An Act specially providing for the Removal of poor Persons from the District of Marshpee, who have no legal Settlement there.	June 17, 1796.	Ib. 507.
St.1797, c. 62.	An Act in addition to an Act, entitled "An Act for suppres-	Feb. 27, 1798.	Ib. 557.

Statute.	Title.	Date.	Printed in.
	sing Rogues, Vagabonds, common Beggars, and other idle, disorderly and lewd Persons."		
St.1798, c. 64.	An Act specifying the Evidence to accompany Accounts exhibited for the Support of the Poor of the Commonwealth.	Feb. 26, 1799.	L. of M. i. 575.
St. Feb. 26, 1801.	An Act to incorporate Samuel Parker, and others, into a Society by the Name of The Boston Dispensary.	Feb. 26, 1801.	Mass.Sp'l Laws, vol. 2, 421.
St.1806, c. 29.	An Act in addition to an Act, entitled, "An Act describing the Duty and Power of Coroners," &c.	Feb. 6, 1807.	L. of M. ii. 161.
St. 1806, c. 102.	An Act enlarging the Powers and Duties of the Guardians of Persons who spend or waste their Estates by excessive Drinking, Idleness, Gaming or Debauchery.	Feb. 28, 1807.	Ib. 169.
St.1810, c. 94.	An Act to incorporate certain persons by the name of The Massachusetts General Hospital.	Feb. 25, 1811,(§ 3, Rep'd by St. 1813, c. 42.)	Ib. 269.
St. 1811, c. 102.	An Act defining the duties of Sheriffs, Coroners and Constables, in certain cases.	Feb. 13, 1812.	Ib. 304.
St.1813, c. 42.	An Act in addition to an Act, entitled, "An Act," &c. (St. 1810, c. 94.)	June 14, 1813.	Ib. 337.
St. 1813, c. 153.	An Act to incorporate The Boston Asylum for Indigent Boys.	Feb. 24, 1814.	Mass.Sp'l Laws, vol. 4, 537.
St. 1813, c. 171.	An Act in addition to An Act, entitled, "An Act to incorporate Oliver Wendell and others, together with the Overseers of the Poor of the town of Boston, for the time being, by the name and title of The Trustees of John Boylston's Charitable Donations, for the benefit and support of aged poor persons, and of orphans and deserted children."	Feb. 26, 1814.	Ib. 544.
St.1816, c. 63.	An Act to incorporate the Fragment Society.	Dec. 4, 1816.	Ib. vol. 5,150.

Statute.	Title.	Date.	Printed in.
St. 1817, c. 186.	An Act concerning Poor Prisoners, and other persons.	Feb. 24, 1818.	L. of M. ii. 453.
St. 1818, c. 112.	An Act in addition to the Acts concerning the Sale of Real Estate, by Administrators, Executors, and Guardians.	Feb. 19, 1819.	Ib. 489.
St.1819, c. 94.	An Act to relieve Towns from the Expenses of supporting persons imprisoned for Debt.	Feb. 5, 1820.	Ib. 520.
St. 1819, c. 149.	An Act to incorporate the Boston Society for the Religious and Moral Instruction of the Poor.	Feb. 21, 1820.	Mass.Sp'l Laws, vol. 5, 369.
St. 1819, c. 164.	An Act providing for the Support of State Paupers.	Feb. 25, 1820.	L. of M. ii. 531.
St. 1819, c. 165.	An Act to prevent the Introduction of Paupers, from foreign Ports or Places.	Feb. 25, 1820.	Ib. 531.
St. 1821. c. 9.	An Act to incorporate the Boston Fuel Savings Institution.	June 15, 1821.	Mass.Sp'l Laws, vol. 5, 428.
St.1821, c. 11.	An Act to incorporate the Society for Employing the Female Poor.	June 15, 1821.	L. of M. ii.558.
St.1821, c. 20.	An Act providing for the support of State Paupers.	June 15, 1821.	Ib. 559.
St.1821, c. 22.	An Act in addition to an Act to relieve towns from the expenses of persons imprisoned for debt.	June 16, 1821.	Ib. 559.
St. 1821, c. 94.	An Act in addition to an Act ascertaining what shall constitute a legal Settlement in any Town or District within this Commonwealth.	Feb. 21, 1822.	Ib. 572.
St. 1822, c. 56.	An Act concerning the House of Industry in the City of Boston.	Feb. 3, 1823.	Mass.Sp'l Laws, vol. 6, 40.
St. 1822, c. 81.	An Act relating to State Paupers.	Feb. 10, 1823.	Laws of Mass, iii., 17.
St.1822, c. 82.	An Act in further addition to an Act (1787, c. 54,) for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly, and lewd Persons.	Feb. 10, 1823.	Ib. 17.
St.1823, c. 21.	An Act relating to State Paupers.	June 14, 1823.	Ib. 43.
St.1823, c. 25.	An Act in further addition to an Act entitled "An Act for suppressing and punishing of Rouges, Vagabonds, Common	June 14, 1823.	Ib. 44.

Statute.	Title.	Date.	Printed in.
	Beggars, and other idle, disorderly and lewd persons."		
St.1823, c. 53.	An Act in addition to an Act, entitled "An Act to incorporate the Boston Asylum for Indigent Boys."	Jan. 27, 1824.	Mass.Sp'l Laws, vol. 6, 125.
St.1824, c. 28.	An Act concerning the regulation of the House of Correction in the City of Boston, and concerning the form of actions commenced under the by-laws of said city, and providing for filling vacancies in the Board of Aldermen.	June 12. 1824.	Ib. 211.
St. 1824, c. 128.	An Act in addition to an Act, entitled "An Act for suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd persons, and the several Acts in addition thereto."	Feb. 26, 1825.	L. of M. iii., 92.
St.1825, c. 40.	An Act to incorporate the Trustees of the Poor's Fund in the Town of Charlestown.	June 18, 1825.	Ib. 107.
St. 1825, c. 173.	An Act in addition to an Act, entitled "An Act for the punishment of Fornication, and for the maintenance of Bastard Children.	March 4, 1826.	Ib. 139.
St. 1825, c. 182.	An Act concerning Juvenile Offenders, in the City of Boston.	March 4, 1826.	Mass.Sp'l Laws, vol. 6, 464.
St.1826, c. 91.	An Act to incorporate the Massachusetts Charitable Eye and Ear Infirmary.	Feb. 23, 1827.	Ib. 526.
St. 1826, c. 111.	An Act in addition to the Act entitled "An Act concerning the House of Industry in the City of Boston."	March 5, 1827.	Ib. 540.
St. 1826, c. 142.	An Act in further addition to the several Acts for the suppressing and punishing of Rogues, Vagabonds, Common Beggars, and other idle, disorderly and lewd persons.	March 10, 1827.	L.of M. iii.,178.
St.1828, c. 29.	An Act to incorporate the Widows' Society in Boston.	June 12, 1828.	Mass.Sp'l Laws, vol. 6, 734.

Statute.	Title.	Date.	Printed in.
St.1828, c. 98.	An Act to incorporate the Infant School Society of the City of Boston.	Feb. 28, 1829.	Mass.Sp'l Laws, vol. 6, 781.
St. 1828, c. 142.	An Act in addition to "an Act providing for the relief, support, employment and removal of the poor."	March 4, 1829.	L. of M. iii., 280.
St.1830, c. 57.	An Act more effectually to protect the sepulchres of the dead, and to legalize the study of anatomy in certain cases.	Feb. 28, 1831.	Ib. 333.
St. 1830, c. 120.	An Act relating to the support of State Paupers.	March 18, 1831.	Ib. 362.
St. 1830, c. 150.	An Act in addition to an Act entitled "An Act to prevent the introduction of Paupers from foreign Ports or Places."	March 19, 1831.	Ib. 381.
St. 1833, c. 135.	An Act to incorporate the Proprietors of the Boston Farm School.	March 19, 1833.	Mass.Sp'l Laws, vol. 7, 362.
St.1834, c. 66.	An Act to incorporate the Boston Children's Friend Society.	March 11, 1834.	Ib. 440.
St. 1834, c. 103.	An Act in addition to "an Act providing for the relief and support, employment and removal of the poor, and for repealing all former laws made for those purposes."	March 25, 1834.	L. of M. iii.,127.
St. 1834, c. 150.	An Act concerning the State Lunatic Hospital.	March 28, 1834.	Ib. 135.
St. 1834, c. 151.	An Act for the regulations of Gaols and Houses of Correction.	March 28, 1834.	Ib. 140.
St. 1834, c. 187.	An Act in addition to "an Act more effectually to protect the sepulchres of the dead, and to legalize the study of anatomy in certain cases."	April 1, 1834.	Ib. 209.
St.1835, c. 28.	An Act to incorporate the Boston Asylum and Farm School for Indigent Boys.	March 5, 1835.	Mass.Sp'l Laws, vol. 7, 498.
St.1835, c. 84.	An Act to incorporate the Samaritan Asylum for Indigent Children.	March 27, 1835.	Ib. 525.
St. 1835, c. 127.	An Act concerning paupers.	April 7, 1835.	L. of M., iv., St. 1832-36, p. 242.

Statute.	Title.	Date.	Printed in.
St. 1835, c. 129.	An Act in addition to "an Act concerning the State Lunatic Hospital."	April 7, 1835.	L. of M., iv., St. 1832-36, p. 242.

REVISED STATUTES.

R. S. c. 11. § 1-5.	Of the Public Buildings and other Public Property.	Nov. 4, 1835, and Feb. 15, 1836.	R. S. p. 93.
R. S. c. 14, §§ 9-11, 41, 42, 87.	Of Counties and County Officers.	.....	Ib. 160, 164, 170
R. S. c. 15,	Of the powers and duties of towns; and the election, qualifications, and duties of town officers.	.....	Ib. 174.
R. S. c. 16.	Of Work-houses in towns.	.....	Ib. 186.
R. S. c. 22, §§ 9-12.	Regulations concerning the practice of Physic and Surgery.	.....	Ib. 216.
R. S. c. 45.	Of the Settlement of Paupers.	.....	Ib. 367.
R. S. c. 46.	Of the Support of Paupers.	.....	Ib. 369.
R. S. c. 48.	Of the State Lunatic Hospital; and the care of lunatics.	.....	Ib. 379.
R. S. c. 49.	Of the Maintenance of Bastard Children.	.....	Ib. 383.
R. S. c. 71, § 28.	Of the sale of lands for the payment of debts by Executors, Administrators and Guardians.	.....	Ib. 456.
R. S. c. 78.	Of Parents and Children.	.....	Ib. 487.
R. S. c. 79.	Of Guardians and Wards.	.....	Ib. 488.
R. S. c. 80.	Of Masters, Apprentices, and Servants.	.....	Ib. 494.
R. S c. 97, §§ 48-62.	Of Judgment and Execution.	.....	Ib. 592.
R. S. c. 98.	Of the Relief of Poor Prisoners Committed on Execution for debt.	.....	Ib. 595.
R. S. c. 140, § 11.	Of Coroners' Inquests.	.....	Ib. 770.
R. S. c. 143.	Of detention and imprisonment in the County Jail, or the House of Correction, and the government and regulation of those prisons.	.....	Ib. 777.

STATUTES SUBSEQUENT TO THE REVISED STATUTES.

Statute.	Title.	Date.	Printed in.
St. 1836, c. 220.	An Act in addition to an Act to incorporate the Boston Children's Friend Society.	April 13, 1836.	Mass.Sp'l Laws, vol. 7, 686.
St. 1836, c. 223.	An Act to provide for the Confinement of Idiots and Insane Persons.	April 13, 1836.	Sup. to R. S. p. 4.
St.1837, c. 23.	An Act to incorporate the Boston Fatherless and Widows' Society.	Feb. 23, 1837.	Mass.Sp'l Laws, vol. 7, 733.
St.1837, c. 54.	An Act relating to the Effects of Deceased Paupers.	March 10, 1837.	Sup. to R. S. 16.
St. 1837, c. 178.	An Act in relation to the Poor of Unincorporated Places.	April 17, 1837.	Ib. 30.
St. 1837, c. 194.	An Act providing for a Return by Overseers of the Poor.	April 18, 1837.	Ib. 36.
St. 1837, c. 217.	An Act concerning Rogues and Vagabonds.	April 19, 1837.	Ib. 43.
St. 1837, c. 228.	An Act concerning Lunatics.	April 19, 1837.	Ib. 50.
St. 1837, c. 238.	An Act relating to Alien Passengers.	April 20, 1837.	Ib. 52.
St.1838, c. 16.	An Act relating to the Boston Asylum and Farm School for Indigent Boys.	Feb. 23, 1838.	Mass.Sp'l Laws, vol. 8, p. 9.
St.1838, c. 73.	An Act in addition to an Act to provide for the Confinement of Idiots and Insane Persens.	April 6, 1838.	Sup. to R. S. 67.
St. 1839. c. 131.	An Act to establish the Boston Lunatic Asylum.	April 8, 1839.	Ib. 128.
St. 1839, c. 146.	An Act concerning Houses of Correction.	April 9, 1839.	Ib. 137.
St. 1839, c. 149.	An Act in addition to an Act concerning Lunatics.	April 10, 1839.	Ib. 138.
St. 1839, c. 156.	An Act concerning the maintaining of Prisoners in Jails and Houses of Correction.	April 10, 1839.	Ib. 140.
St.1840, c. 79.	An Act in addition to "an Act to establish the Boston Lunatic Hospital."	March 23, 1840.	Ib. 164.
St.1840, c. 96.	An Act in addition to "an Act relating to Alien Passengers."	March 24, 1840.	Ib. 177.

Statute.	Title.	Date.	Printed in.
St.1841, c. 37.	An Act to change the name of the Boston Society for the religious and moral Instruction of the Poor.	Feb. 27, 1841.	Mass.Sp'l Laws, vol. 8, 195.
St.1841, c. 77.	An Act concerning Lunatics.	March 13, 1841.	Sup. to R. S. 189.
St. 1841, c. 116.	An Act concerning Returns by Overseers of the Poor.	March 18, 1841.	Ib. 198.
St.1842, c. 59.	An Act relating to Poor Convicts.	March 3, 1842.	Ib. 228.
St. 1842, c. 100.	An Act in addition to an Act to provide for the Confinement of Idiots and Insane Persons.	Sept. 16, 1842.	Ib. 245.
St.1843, c. 22.	An Act concerning the House for the Reformation and Employment of Juvenile Offenders in the City of Boston.	March 22, 1843.	Ib. 254.
St.1843, c. 66.	An Act in relation to the Support of Convicts.	March 23, 1843.	Ib. 259.
St. 1844, c. 146.	An Act in addition to an Act providing for a Return by the Overseers of the Poor.	March 16. 1844.	Ib. 296.
St.1845, c. 51.	An Act to incorporate the Seamen's Aid Society.	Feb. 18, 1845.	Mass.Sp'l Laws, vol. 8, 423.
St.1845, c. 76.	An Act concerning Alien Passengers.	Feb. 26, 1845.	Sup. to R. S. 327.
St. 1845, c. 176.	An Act relating to Discharged Convicts.	March 22, 1845.	Ib. 345.
St. 1845, c. 242.	An Act concerning the Study of Medicine.	March 26, 1845.	Ib. 362.
St.1846, c. 78.	An Act in addition to an Act relating to Discharged Convicts.	March 3, 1846.	Ib. 375.
St.1846. c. 88.	An Act relating to the Support of Convicts.	March 9, 1846.	Ib. 376.
St. 1846, c. 249.	An Act concerning the appointment of Guardians of Spendthrifts.	April 16, 1846.	Ib. 409.
St. 1847, c. 165.	An Act to establish the State Reform School.	April 9, 1847.	Ib. 421.
St. 1847, c. 208.	An Act concerning the House for the Reformation and Employment of Juvenile Offenders in the City of Boston.	April 21, 1847.	Ib. 428.
St. 1847, c. 216.	An Act to incorporate the Boston Society for the Prevention of Pauperism.	April 21, 1847.	Mass.Sp'l Laws, vol. 8, 794.

Statute.	Title.	Date.	Printed in.
St. 1847, c. 263.	An Act relating to Public Charities.	April 26, 1847.	Sup. to R. S. 439.
St. 1848, c. 82.	An Act in addition to "an Act relating to Discharged Convicts."	March 24, 1848.	Ib. 449.
St. 1848, c. 103.	An Act to incorporate the Society of Boston and vicinity for the aid of German Immigrants.	April 10, 1848.	Mass. Sp'l Laws, vol. 8, 899.
St. 1848, c. 247.	An Act concerning Indigent Children.	May 3, 1848.	Sup. to R. S. 465.
St. 1848, c. 291.	An Act relating to the Erection and Location of Almshouses and Houses of Correction.	May 9, 1848.	Ib. 476.
St. 1848, c. 313.	An Act concerning Alien Passengers.	May 10, 1848.	Ib. 483.
St. 1848, c. 320.	An Act for the Removal of Insane Persons confined in Jail for Debt.	May 10, 1848.	Ib. 488.
St. 1849, c. 34.	An Act concerning Alien Passengers.	March 16, 1849.	Ib. 499.
St. 1849, c. 66.	An Act in relation to Paupers.	March 30, 1849.	Ib. 509.
St. 1849, c. 151.	An Act relating to the Settlement of certain Pauper Accounts.	April 28, 1849.	Ib. 533.
St. 1849, c. 162.	An Act to incorporate the Association for the Relief of Aged Indigent Females.	April 30, 1849.	Mass. Sp'l Laws, vol. 9, 65.
St. 1849, c. 207.	An Act Relative to State Lunatic Paupers.	May 2, 1849.	Sup. to R. S. 547.
St. 1850, c. 105.	An Act relating to Alien Passengers.	March 20, 1850.	Ib. 592.
St. 1850, c. 112.	An Act additional to an Act to establish the State Reform School.	March 23, 1850.	Ib. 595.
St. 1850, c. 118.	An Act to incorporate the Soctety for the Relief of Aged and Destitute Clergymen.	March 23, 1850.	Mass. Sp'l Laws, vol. 9, 161.
St. 1850, c. 133.	An Act in addition to an Act concerning Coroners' Inquests.	April 2, 1850.	Sup. to R. S. 599.
St. 1850, c. 263.	An Act in addition to the Acts for the punishment of Drunkards.	May 1, 1850.	Ib. 617.
St. 1850, c. 292.	An Act requiring Returns from Superintendents of Alien Passengers.	May 3, 1850.	Ib. 628.
St. 1851, c. 25.	An Act to incorporate the Needle Woman's Friend Society.	March 31, 1851.	Mass. Sp'l Laws, vol. 9, 270.
St. 1851, c. 42.	An Act relating to Accounts for the Support of State Paupers.	April 14, 1851.	Sup. to R. S. 646.

Statute.	Title.	Date.	Printed In.
St. 1851, c. 342.	An Act to appoint a Board of Commissioners in relation to Alien Passangers and State Paupers.	May 24, 1851.	Sup. to R. S. 778.
St. 1851, c. 346.	An Act relating to the Punishment for offences mentioned in the one hundred and forty-third chapter of the Revised Statutes.	May 24, 1851.	Ib. 782.
St. 1852, c. 2.	An Act concerning the Boston Dispensary.	Jan. 30, 1852.	Mass.Sp'l Laws, vol. 9, 417.
St. 1852, c. 3.	An Act to incorporate the South Boston Samaritan Society.	Feb. 6, 1852.	Ib.
St.1852, c. 22.	An Act to incorporate the Young Men's Benevolent Society.	Feb. 25, 1852.	Ib. vol. 9, 425.
St. 1852, c. 213.	An Act relating to Discharged Convicts.	May 13, 1852.	Sup. to R. S. 804.
St. 1852, c. 271.	An Act to incorporate the "Sailor's Snug Harbor, of Boston."	May 20, 1852.	Mass.Sp'l Laws, vol. 9, 545.
St. 1852, c. 275.	An Act in relation to Paupers having no Settlement in this Commonwealth.	May 20, 1852.	Sup. to R. S. 856.
St. 1852, c. 279.	An Act concerning Alien Passengers.	May 20, 1852.	Ib. 860.
St. 1853, c. 318.	An Act concerning the State Lunatic Hospital at Taunton.	May 11, 1853.	Ib. 970.
St. 1853, c. 352.	An Act concerning the State Pauper Establishments within this Commonwealth.	May 21, 1853.	Ib. 977.
St. 1853, c. 360.	An Act concerning the Transit of Alien Passengers.	May 23, 1853.	Ib. 980.
St. 1853, c. 388.	An Act in relation to Pauper Convicts.	May 25, 1853.	Ib. 985.
St.1854, c. 71.	An Act in addition to the Acts incorporating the Boston Asylum and Farm School for Indigent Boys.	March 9, 1854.	Mass.Sp'l Laws, vol. 10, 32.
St.1854, c. 95.	An Act in addition to an Act entitled "An Act in addition to an Act to provide for the Confinement of Idiots and Insane Persons."	March 16, 1854.	Sup. to R. S. ii., 16.
St. 1854, c. 189.	An Act in addition to an Act concerning the State Pauper Establishments within this Commonwealth.	March 28, 1854.	Ib. 22.
St. 1854, c. 219.	An Act in addition to an Act concerning the Transit of Alien Passengers.	April 4, 1854.	Ib. 24.

Statute.	Title.	Date.	Printed in.
St. 1854, c. 262.	An Act in relation to the Hospital on Rainsford Island for State Paupers.	April 12, 1854.	Sup. to R. S. ii., 34.
St. 1854, c. 355.	An Act concerning the State Pauper Establishments within this Commonwealth.	April 24, 1854.	Ib. 59.
St. 1854, c. 362.	An Act to incorporate the Boston Provident Association.	April 24, 1854.	Mass. Sp'l Laws, vol. 10, 200.
St. 1854, c. 416.	An Act in relation to Female Convicts.	April 29, 1854.	Sup. to R. S. ii., 73.
St. 1854. c. 437.	An Act concerning Lunatic State Paupers, and admission to the State Pauper Establishments.	April 29, 1854.	Ib. 80.
St. 1855, c. 151.	An Act relative to State Paupers.	April 7, 1855.	Ib. 133.
St. 1855, c. 172.	An Act in addition to the Acts relating to State Almshouses and the Support of Paupers.	April 10, 1855.	Ib. 139.
St. 1855, c. 302.	An Act concerning Trustees of Charitable Funds Given or Bequeathed to Cities and Towns.	May 4, 1855.	Ib. 187.
St. 1855, c. 323.	An Act concerning the Study of Anatomy.	May 10, 1855.	Ib. 198.
St. 1855, c. 366.	An Act relating to the Registration of Births, Marriages and Deaths in the State Almshouses.	May 17, 1855.	Ib. 203.
St. 1855. c. 412.	An Act providing for the Classification of State Paupers.	May 19, 1855.	Ib. 216.
St. 1855, c. 414.	An Act to secure General Vaccination.	May 19, 1855.	Ib. 218.
St. 1855, c. 442.	An Act to establish a State Reform School for Girls.	May 21, 1855.	Ib. 230.
St. 1855, c. 445.	An Act relative to State Paupers.	May 21, 1855.	Ib. 248.
St. 1855, c. 458.	An Act providing for the Maintenance of Wives whose Husbands are under Guardianship for Idiocy or Insanity.	May 21, 1855.	Ib. 258.
St. 1855, c. 486.	An Act in addition to an Act to Appoint a Board of Commissioners in relation to Alien Passengers and State Paupers.	May 21, 1855.	Ib. 277.
St. 1856, c. 60.	An Act to change the name of the State Reform School for Girls.	March 21, 1856.	Ib. 294.
St. 1856, c. 108.	An Act relating to Lunatics and Idiots.	April 14, 1856.	Ib. 300.

Statute.	Title.	Date.	Printed in.
St. 1856, c. 150.	An Act relating to the Support of certain Inmates of the State Reform School for Boys, and the State Industrial School for Girls.	May 3, 1856.	Sup. to R. S. ii., 307.
St. 1856, c. 171.	An Act concerning State Paupers.	May 17, 1856.	Ib. 313.
St. 1856, c. 186.	An Act concerning Idle and Disorderly Persons.	May 24, 1856.	Ib. 320.
St. 1856, c. 247.	An Act Establishing Boards of Trustees for the State Lunatic Hospitals, and in addition to the Acts concerning Lunatic Hospitals.	June 3, 1856.	Ib. 328.
St. 1856, c. 294.	An Act relating to the Board of Commissioners on Alien Passengers and State Paupers.	June 6, 1856.	Ib. 366.
St. 1857, c. 35.	An Act to establish a Board of Directors of the Public Institutions for the City of Boston and for the County of Suffolk.	March 28, 1857.	Ib. 375.
St. 1857, c. 129.	An Act to Repeal Section Second of the One Hundred Seventy First Chapter of the Acts of Eighteen Hundred Fifty-six, (Expenses of State Paupers).	May 8, 1857.	Ib. 398.
St. 1857, c. 153.	An Act to authorize the Overseers of the Poor to Remove Destitute and Neglected Children to Almshouses.	May 14, 1857.	Ib. 409.
St. 1857, c. 209.	An Act relating to Persons Committed to the State Lunatic Hospitals, not having a known Settlement in this Commonwealth.	May 23, 1857.	Ib. 420.
St. 1857, c. 302.	An Act concerning Insane Persons in the City of Boston.	May 30, 1857.	Ib. 466.
St. 1858, c. 26.	An Act relating to the Estates of Deceased Paupers.	Feb. 19, 1858.	Ib. 498.
St. 1858, c. 57.	An Act concerning the care of Infant Children of Female Convicts.	March 18, 1858.	Ib. 509.
St. 1858, c. 64.	An Act concerning the Commitment of Lunatics to Hospitals.	March 19, 1858.	Ib. 511.
St. 1858, c. 110.	An Act concerning the State Industrial School for Girls.	March 26, 1858.	Ib. 533.

Statute.	Title.	Date.	Printed in.
St. 1858, c. 112.	An Act concerning the removal of Prisoners in the Public Institutions in the City of Boston.	March 27, 1858.	Sup. to R. S., ii. 533.
St. 1858, c. 113.	An Act authorizing the City of Boston to Establish a City Hospital.	March 27, 1858.	Ib. 534.
St. 1858. c. 132.	An Act defining the Salary of the Superintendent of Alien Passengers.	March 27, 1858.	Ib. 541.
St. 1858, c. 161.	An Act in addition to an Act relating to Persons Committed to the State Lunatic Hospitals, not having a known Settlement in this Commonwealth.	March 27, 1858.	Ib. 562.
St. 1858, c. 168.	An Act in relation to the State Almshouses.	March 27, 1858.	Ib. 569.
St.1859, c.34.	An Act in addition to the Acts relating to the Boston Dispensary.	Feb. 15, 1859.	Mass.Sp'l Laws, vol 10, 851.
St 1859, c. 38.	An Act making Appropriations for Expenses of the State Almshouses, and the Hospital at Rainsford Island.	Feb. 18, 1859.	Sup. to R. S., ii. 582.
St.1859, c. 55.	An Act making an Appropriation for the Transportation of State Paupers.	Feb. 19, 1859.	Ib. 584.
St.1859, c. 61.	An Act in addition to an Act to provide for the Adoption of Children.	Feb. 26, 1859.	Ib. 585.
St. 1859, c. 107.	An Act concerning the State Lunatic Hospitals.	March 17, 1859.	Ib. 599.
St. 1859, c. 139.	An Act in relation to returns from Jails and Houses of Correction.	March 31, 1859.	Ib. 615.
St. 1859, c. 170.	An Act concerning the State Reform School for Boys.	April 5, 1859.	Ib. 628.
St. 1859, c. 177.	An Act concerning the Public Charitable and Reformatory Institutions of the Commonwealth.	April 5, 1859.	Ib. 632.
St. 1859, c. 214.	An Act in addition to an Act to Establish the State Industrial School for Girls.	April 6, 1859.	Ib. 659.
St. 1859, c. 239.	An Act relating to the Bastardy Process.	April 6, 1859.	Ib. 678.
St. 1859, c. 255.	An Act concerning State Paupers.	April 6, 1859.	Ib. 687.

GENERAL STATUTES.

Statute.	Title.	Date.	Printed in.
G. S. c. 17, §§ 1–6, 50.	Of Counties and certain County Officers.	Dec. 28, 1859.	Gen. Statutes, p. 142.
G. S. c. 18.	Of the Powers of Towns, and the Election, Qualification and Duties of Town Officers.	.....	Ib. 158.
G. S. c. 22.	Of Workhouses and Almshouses.	.....	Ib. 170.
G. S. c. 27.	Of the Promotion of Anatomical Science.	.....	Ib. 195.
G. S. c. 31, §§ 9, 10.	Of Donations and Conveyances for Pious and Charitable uses.	.....	Ib. 206.
G. S. c. 32.	Of Associations for Religious, Charitable and Educational purpurposes.	.....	Ib. 207.
G.S . c. 69.	Of the Settlement of Paupers.	.....	Ib. 390.
G. S. c. 70.	Of the Support of Paupers by Cities and Towns.	.....	Ib. 392.
G. S. c. 71.	Of Alien Passengers and State Paupers.	.....	Ib. 395.
G. S. c. 72.	Of the Maintenance of Bastard Children.	.....	Ib. 404.
G. S. c. 73.	Of the State Lunatic Hospitals.	.....	Ib. 406.
G. S. c. 74.	Of County Receptacles for Insane Persons.	.....	Ib. 411.
G. S. c. 75.	Of the State Industrial School for Girls.	.....	Ib. 413.
G. S. c. 76.	Of the State Reform School for Boys.	.....	Ib. 417.
G. S. c. 102, § 38.	Of Sales of lands by Executors, Administrators and Guardians.	.....	Ib. 514.
G. S. c. 109.	Of Guardians and Wards.	.....	Ib. 542.
G. S. c. 111.	Of Masters, Apprentices and Servants.	.....	Ib. 549.
G. S. c. 165, §§ 28–34, 37, 38.	Of offences against Chastity, Morality and Decency.	.....	Ib. 820, 821.
G. S. c. 175, § 17.	Of Inquests on Dead Bodies.	.....	Ib. 848, 850.
G. S. c. 178.	Of Jails and Houses of Correction.	.....	Ib. 856.
G. S. c. 180.	Of the Transfer of Lunatics and Discharge of Poor Convicts.	.....	Ib. 877.

STATUTES SUBSEQUENT TO THE GENERAL STATUTES.

Statute.	Title.	Date.	Printed in.
St.1860, c. 83.	An Act relating to the Removal of State Paupers.	March 17, 1860.	Sup. to G. S., 13.
St.1861, c. 94.	An Act relative to State Paupers.	March 27, 1861.	Ib. 50.
St. 1862, c. 112.	An Act to Amend the Seventieth Chapter of the General Statutes concerning Returns by Overseers of the Poor.	April 8, 1862.	Ib. 118.
St. 1862, c. 165.	An Act relating to the Receptacle for the Insane at Ipswich.	April 28, 1862.	Ib. 133.
St. 1862, c. 184.	An Act concerning the Indians of the Commonwealth.	April 30, 1862.	A. & R. 149.
St. 1862, c. 204.	An Act in relation to the Overseers of the Poor of the City of Boston.	April 30, 1862.	Ib. 175.
St. 1862, c. 223, §§ 9, 10.	An Act concerning State Lunatic Hospitals, and Insane and Idiotic Persons.	April 30, 1862.	Sup. to G. S., 178.
St.1863, c. 79.	An Act in further addition to an Act in Aid of the Families of Volunteers.	March 12, 1863.	Ib. 192.
St 1863, c. 127.	An Act relating to Prosecutions for the maintenance of Bastard Children.	April 4, 1863.	Ib. 202.
St. 1863, c. 159.	An Act authorizing the Removal of certain Indians to the State Almshouses.	April 17, 1863.	Ib. 210.
St. 1863, c. 176.	An Act in Aid of the Families of Drafted Men, and for other purposes.	April 23, 1863.	Ib. 215.
St. 1863, c. 184.	An Act concerning the Industrial School for Girls at Lancaster.	April 27, 1863.	Ib. 218.
St. 1863. c. 240.	An Act in relation to State Charitable and Correctional Institutions.	April 29, 1863.	Ib. 229.
St. 1863, c. 254.	An Act to provide for the Payment of Bounties to Volunteers and for other purposes.	Nov. 18, 1863.	Ib. 240.
St.1864, c. 47.	An Act in further addition to "An Act in aid of the Families of Volunteers."	Feb. 29, 1864.	Ib. 245.
St.1864, c. 80.	An Act to incorporate the Home for Aged Colored Women.	March 5, 1864.	A. & R. 1864, 52.

Statute.	Title.	Date.	Printed in.
St. 1864, c. 128.	An Act concerning the Overseers of the Poor of the City of Boston.	April 2, 1864.	A. & R. 1864, 82.
St. 1864, c. 138.	An Act to amend "An Act in relation to State Charitable and Correctional Institutions."	April 8, 1864.	Sup. to G. S., 258.
St. 1864, c. 143.	An Act to provide aid for the Families of Seamen in the Naval Service, and for other purposes.	April 11, 1864.	Ib. 259.
St. 1864, c. 169.	An Act in relation to Discharged Convicts.	April 22, 1864.	Ib. 265.
St. 1864, c. 224.	An Act to confirm certain acts of Henry A. Edwards as a Superintendent of Alien Passengers.	May 11, 1864.	A. & R. 152.
St. 1864, c. 225.	An Act authorizing the Establishment of the Boston Asylum for Inebriates.	May 11, 1864.	Ib. 153.
St. 1864, c. 239.	An Act in relation to Trusts and Trustees.	May 13, 1864.	Sup to G. S., 330.
St. 1864, c. 288.	An Act relating to Insane Persons and Lunatic Hospitals.	May 14, 1864.	Ib. 340.
St. 1864, c. 290.	An Act in relation to the State Industrial School for Girls.	May 14, 1864.	Ib. 342.
St. 1864, c. 307.	An Act concerning Returns of Sheriffs, Keepers of Jails and Houses of Correction, and Overseers of the Poor.	May 14, 1864.	Ib. 363.
St. 1865, c. 97.	An Act to incorporate the Boston Children's Aid Society.	March 24, 1865.	A. & R. 497.
St. 1865, c. 160.	An Act Repealing certain Provisions respecting Alien Passengers.	April 27, 1865.	Sup. to G. S., 399.
St. 1865, c. 162.	An Act concerning the admission of Sick Persons to the State Almshouses.	April 27, 1865.	Ib. 399.
St. 1865, c. 208.	An Act concerning Juvenile Offenders.	May 9, 1865.	Ib. 408.
St. 1865, c. 230.	An Act relating to the Settlement and Relief of Persons who have served in the Army and Navy of the United States.	May 13, 1865.	Ib. 410.
St. 1865, c. 232.	An Act relating to State Aid.	May 13, 1865.	Ib, 412.
St. 1865, c. 251.	An Act in addition to an Act entitled "An Act relating to State Aid"	May 16, 1865.	Ib. 422.

Statute.	Title.	Date.	Printed in.
St. 1865, c. 256.	An Act in relation to Support of Girls Committed to the State Industrial School.	May 16, 1865.	Sup. to G.S., 424.
St. 1865, c. 268.	An Act amending the Act concerning State Lunatic Hospitals and Insane and Idiotic Persons.	May 16, 1865.	Ib. 427.
St. 1865, c. 270.	An Act concerning Masters and Apprentices.	May 16, 1865.	Ib. 428.
St.1866, c. 15.	An Act to Increase the Capital Stock of the Society of Boston and vicinity for the aid of German Immigrants.	Feb, 3, 1866.	.....
St.1866, c. 19,	An Act in addition to an Act to incorporate the Washingtonian Home.	Feb. 13, 1866.	.....
St.1866, c. 75.	An Act to repeal certain Acts in relation to Trusts and Trustees.	March 15, 1866.	Ib. 442.
St.1866, c. 84.	An Act in addition to the several Acts authorizing the Payment of Bounties to Volunteers.	March 19, 1866.	Ib. 442.
St.1866, c.139.	An Act in addition to the several Acts authorizing the payment of Bounties to Volunteers.	April 12, 1866.	Ib. 450.
St. 1866, c. 172.	An Act to provide State Aid for Disabled Soldiers and Sailors and their Families, and for the Families of the Slain.	April 23, 1866.	Ib. 455.
St. 1866, c. 197.	An Act to exempt Disabled Soldiers and Sailors from paying for Pedlers' Licenses.	April 30, 1866.	Ib. 463.
St. 1866, c. 198.	An Act to Establish a State Workhouse.	April 30, 1866.	Ib. 464.
St. 1866, c. 209.	An Act to Establish a State Primary School.	May 3, 1866.	Ib. 466.
St. 1866, c. 224.	An Act to Repeal Chapter One Hundred and Sixty-five of the Acts of the year Eighteen Hundred and Sixty-two, relating to the Receptacle for the Insane at Ipswich.	May 9, 1866.	Ib. 508.
St. 1866, c. 234.	An Act relative to State Paupers.	May 15, 1866.	Ib. 509.
St. 1866, c. 235.	An Act concerning Vagrants and Vagabonds.	May 15, 1866.	Ib. 510.

Statute.	Title.	Date.	Printed in.
St. 1866, c. 242.	An Act to change the name of the Boston Society for the Prevention of Pauperism.	May 18, 1866.	.....
St. 1866, c. 272.	An Act in relation to State and other Paupers.	May 28, 1866.	Sup. to G.S., 520.
St. 1866, c. 274.	An Act in relation to Juvenile Convicts in the United States Courts.	May 28, 1866.	Ib. 521.
St. 1866, c. 280.	An Act in regard to the Sentence of Criminals.	May 29, 1866.	Ib. 523.
St. 1866, c. 282.	An Act in addition to "An Act to provide State Aid for Disabled Soldiers and Sailors and their Families, and for the Families of the Slain."	May 29, 1866.	Ib. 524.
St. 1866, c. 283.	An Act concerning the Care and Education of Neglected Children.	May 29, 1866.	Ib. 525.
St. 1866, c. 284.	An Act in relation to the Discharge of Persons confined for Non-payment of Fine and Costs.	May 29, 1866.	Ib. 526.
St. 1866, c. 288.	An Act to define Chapter Two Hundred and Thirty of the Acts of the Year Eighteen Hundred and Sixty-five, relative to the Laws of Settlement.	May 29, 1866.	Ib. 528.
St. 1866, c. 289.	An Act to Repeal Section Eight of Chapter One Hundred and Eighty of the General Statutes, concerning the Discharge of Poor Convicts in the County of Suffolk.	May 30, 1866.	Ib. 528.
St. 1866, c. 292.	An Act concerning Alien Passengers on Vessels coming from without the United States.	May 30, 1866.	Ib. 531.

CITY DOCUMENTS.

The following is a list of such printed City Documents, mentioned in the "Index to the City Documents, from 1834 to 1865," or published in the latter year, as it is supposed the Overseers may desire to have before them for reference upon such matters as fall within their province: —

List of City Documents.

Year.	No. of Doc.	Subject.
1834.	Doc. 1.	Overseers of the Poor, Account of Receipts and Expenditures.
1835.	" 15.	Almshouses. — Report of Artemas Simonds.
1837.	" 6.	Overseers of Poor. — Mayor's communication, specifying amount of funds, investments, appropriations, &c.
1841.	" 3.	Rainsford Island. — Report on the connection of the City of Boston with, etc.
1843.	" 11,	Rainsford Island. — Report on expediency of removing Hospital Establishment from.
1847.	" 37.	Rainsford Island. — Solicitor's opinion of the tenure by which the City holds possession of.
1847.	" 39.	Deer Island. — Report on the expediency of removing one or more of the Institutions now located at South Boston to Deer Island.
1848.	" 35.	City Solicitor. — Opinion of P. W. Chandler on the question, "Does the City Charter confer upon the City Council any power to give annuities or direct donations in money from the City Treasury?"
1849.	" 19.	Aged and Indigent Females. — Petition of a Committee of the Benevolent Associations, praying for a site whereon to erect an Asylum for.
1851.	" 70.	Almshouses. — Final Report on the Erection of a new Almshouse at Deer Island.
1852.	" 17.	Almshouses. — Report concerning a new Almshouse at Deer Island.
1852.	" 30.	Paupers. — Report concerning Foreign Paupers.
1853.	" 43.	Charity School. — Report of Committee on the communication of Samuel Eliot, in regard to the Charity School established in Channing Street.
1857.	" 76.	Provident Association. — Communication from the Mayor in relation to the memorial of.

Year.	No. of Doc.	Subject.
1857.	Doc. 77.	Provident Association. — Report of Committee on Public Buildings on the memorial of.
1859.	" 27.	Overseers of Poor. — Report on so much of the Mayor's Address as related to.
1862.	" 24.	City Solicitor. — Opinion of J. P. Healy on the authority to exempt from taxation the property left by Abbott Lawrence to be invested in Model Lodging Houses.
1863.	" 15.	Overseers of Poor. — Report on the Estimates of.
1863.	" 55.	Overseers of Poor. — Report of the Committee on the communication from.
1863.	" 103.	Overseers of the Poor. — Report on a communication asking an Appropriation for aid to the Poor having no Legal Settlement.
1863.	" 103.	City Solicitor. — Opinion of J. P. Healy on the rights of the Overseers of the Poor in Boston, in the expenditure of money appropriated by the City.
1864.	" 21.	Overseers of Poor. — Report of the Committee on so much of the Mayor's Address as related to.
1864.	" 55.	Overseers of Poor. — An Ordinance relating to.
1864.	" 70.	Overseers of Poor. — Report on the organization of the Board.
1864.	" 77.	Overseers of Poor. — Quarterly Report.
1864.	" 91.	Overseers of Poor.—Report on recommending a Relief Building.
1864.	" 95.	Overseers of Poor. — Report on a Building for.
1865.	" 15.	Street Begging — Report of Overseers of Poor on.
1865.	" 24.	Overseers of the Poor. — Annual Report.

EXTRACTS

FROM

THE RECORDS OF THE TOWN OF BOSTON,

RELATING TO THE POOR, &c.

The first entry on the Records of the Town of Boston is dated "1634, month 7th, day 1." The following extracts from those Records, during the period between that date and the year 1700, furnish some interesting illustrations of the system pursued in early times in regard to the support of the Poor, and of the habits of our ancestors.

The first gift mentioned for the benefit of the poor is the legacy of Mr. William Paddy in 1658. (See p. 188.)

Extracts.

Item: that, whereas the wood upon the neck of land towards Roxburie hath, this last winter, been disorderly cut up and wasted, whereby many of the poor inhabitants are disappointed of relief they might have had there, in after and needful times; Now it is generally agreed that Mr. Treasurer, Mr. Bellingham, Mr. William Hutchinson, with the three deacons, shall consider who hath been faulty therein, and sett down what restitution of wood unto the poor such shall make, according to their several proportions allotted by the major part of them six. The 23d of the 1st month, 1635.

Item: that the poorer sort of the inhabitants, such as are members, or likely to be, and have no cattle, shall have their proportion of allotments for planting ground and other assigned The 14th of the 10th month, 1635.

to them by the allotters, and laid out at Muddy River by the aforenamed five persons, or four of them; and those that fall between the foot of the hill and the water to have but four acres upon a head, and those that are farther off to have five acres for every head. The plot to begin next Muddy River side.

This 28th of 12th mo. 1641. It's ordered that the Towne shall pay y^e^ Towne's Rate, now last assessed in Indian Corne, at 3^s^ p bshll, and Rye at 3^s^ 4^d^, and wheat at 4^s^ p bshll.

This 28th of 1st mo. 1642. It's ordered y^t^ y^e^ constables shall supply the p'sent necessity of Rbt Wing with 5 bushlls of Indian corne, in consideration of his service in keeping the new field the last yeare, wch corne is to be repayd unto the Towne by y^e^ owners of Land in the sayd feild.

29 of 5: 44. Charity White is allowed 26^s^ for thirteen weekes keeping of John Berry, to be payd by the constables.

This 30th of 7th mo. 1644. It's ordered that the constables shall pay unto Tho. Oliver Elder of the Church seaven Pounds for seaven months attendance upon the cure of the servant of Tho. Hawkins.

This 25 of 11th mo. 1646. It is ordered y^t^ Mr. Tho. Oliver shall have nine pounds for his curing Rich: Berry, y^t^ was Tho. Hawkins' man.

25 1 mo., 1650. Brother Beck is assigned to receave of the Constables that were last yeare, five pounds foure shillings for the keeping of Tho: Rand, as full satisfaction.

26 11th mo., 1651. Christopher Perkins is to pay Brother Ludkin, from this day, for his child keeping, and promised to bind his house to the towne for securitie that it shall be no effarther chargable to the towne.

28th 6 mo. 1654. Itt is ordered y^t^, upon the security of Hugh Willms, Mary Hayle is admitted to reside with us, the sayd Willms ingaging y^t^ she shall not be chargeable to the towne.

The 26: 12: 54. Upon the desire of our sister Baxter, (y^t^ her husband being taken at sea and lost what he had in the yeare 1653; his rate being fiffteeme shillings) was remitted.

30: 1: 1655. Itt is ordered y^t^ 20^s^ shall be allowed Mrs. Richards for her rate in y^e^ yeare 54.

Goodman Wales hath 6 s 8 abated of his rate for this yeare in regard of his poverty. 29. 10. 56.

Itt is agreed upon y^e^ complaint ag^t^ y^e^ son of Goodwife Samon living withoutt a calling, y^t^ if shee dispose nott of him in some way of Employ before y^e^ next meeting y^t^ then y^e^ townesmen will dispose of him to some service according to law. 25. 11. 56.

It is ordered that Ensigne Jn^o^ Web shall suply Richard Sanfurd with such necessary support as the little infant Mary Langham or the nurse thereoff either have or shall expend, untill the Town take further order. 29 of 4th, 57. order about the child wch was comitted to the Town's care.

Christoph^r^ Percust is to deliver unto the Townsmen the deeds of his land instead of that bill of twenty pound w^ch^ the Town received of him, w^ch^ was for the supply of his wife, iff he the s^d^ Percust had gone to Jamaica. 31 of 6th, 1657. Christopr Percust.

Itt is ordered y^t^ y^e^ Constables shall allow W^m^ Ware his rates, upon consideration of his long sicknes & low estate. 26—8—57.

Itt is ordered y^t^ twelve shillings sixepence bee p^d^ to W^m^ Salter for keeping Christopher Holland's wife five weekes. 30—9—57.

Whereas Mr. Sam Cole hath intertained Elizabeth Knap into his house, contrary to order of y^e^ towne, & y^e^ sd Elizabeth yett remaynes in this towne; itt is ordered y^t^, in case y^e^ sd Elizabeth proove to bee chargeable to y^e^ towne, such charges bee required of Mr. Cole, from time to time, as first receiving her. Elizabeth Knap.

Derman Mahoone is fined twenty shillings for intertaining two Irish women, contrary to an order of y^e^ towne in y^t^ case provided; & is to quitt his house of them forthw^th^ att his perill. 29—10—57.

Whereas, much inconvenience and burdensome charge doth arise to the Town by sundry persons in this town, by hiring out of servant's tymes and redeeming others from Engagements, w^ch^ persons, either through Idleness or sickness, become unable to help themselves, and the town thereby envolved in sundry charges, these are therefore to give notice to all Inhabitants and residents in this town that shall soe act, that whatever person or persons they soe sett at liberty they are to see after their Imploym^t^ & to secure the Town from any charge that might otherwise be ocasioned by such. 25—11—57. against bringing charges upon the Town.

29—9—58. Whereas, fifteene pounds were given by Mr. W^m^ Paddy as a legacy to y^e^ poore of y^e^ towne, itt is ordered y^t^ y^e^ towne Treasurer shall dispose of y^e^ same according to order.[1]

31—11—1658. Itt is ordered y^t^ fourty shillings bee given to y^e^ Widow Furnell by y^e^ Treasurer to releive her in low condition.

12—1—1659. Resolved upon y^e^ question whether y^e^ select men, being necessitated to give security to y^e^ overseers, of Capt. Keayne's will, for his legacy of 60 £ to y^e^ use of y^e^ poore, should be secured by y^e^ Towne from damage to their owne estates, or y^e^ estates of their successors as selectmen, itt was voted in y^e^ affirmative.

25—4—60. Itt is ordered y^t^ y^e^ treasurer shall pay Mr. Snelling fivety-four shillings for physick administered to Rob^t^ Higgins.

Itt is ordered y^e^ treasurer shall pay for old Besses lodging to Williams.

29—8—60. Itt is ordered y^t^ y^e^ Towne Treasurer shall pay three pounds to Mrs. Cooke for her services in curing y^e^ Spanish Captives.

5. 9. 60. Whereas, Mr. Henry Webb bequeathed 100 £ to y^e^ Towne, to bee improoved for y^e^ use of y^e^ poore, according to his will, & to bee reserved to y^t^ end from time to time: It is ordered y^t^ y^e^ sd 100 £ bee improoved by y^e^ select men for y^e^ end aforesd in some building fitt for y^t^ end, & y^t^, in case of Fire hapning

[1] The date of Mr. Paddy's will is not here stated, but a remembrance of the Poor of Boston, prior to the date of this entry, and, perhaps, the first of which there is any authentic record, is found in the Will of Stephen Winthrop, the fourth son of Governor Winthrop, dated London, May 3d, 1658, and proved August 19th, of the same year. Stephen Winthrop had come over to New England with his father in 1630, and was for several years a member of our Colonial Legislature, and Recorder of the town of Boston. Returning to Old England at the breaking out of the great Civil Wars, he became Colonel of a Regiment under Cromwell, and a member of one of the Protector's Parliaments. He bequeathed, on the failure of certain issue, "to the Poore of Boston, in New England, one hundred pounds of lawful money of England, upon condition that the Inhabitants of Boston aforesaid doe build and erect a Tombe or Monument, Tombes or Monuments, for my deceased Father and Mother, upon their grave or graves, of fifty pounds value att the least, whoe now lyeth buried att Boston aforesaid, according to the love and honour they bore to him and her in theire lifetime."

There is no means of ascertaining whether this bequest ever took effect.

w^ch may consume itt, y^e Towne shall reedify y^e like Fabrick to y^e end aforesd.

Itt is ordered y^t y^e selectmen shall have power to make use of a peice of ground in y^e Comon for y^e erecting an almes house upon, w^th suitable accomodation, or to exchange a peice of y^e Towne's Land for a place more convenient.

Itt is ordered y^t Mr. Usher & Mr. Hull demand & receive Mr. Webb's legacy of one hundred pounds, & to give a discharge on y^e Towne's behalfe. 29—2—1661.

Itt is ordered y^t y^e Treasurer shall allow for y^e keeping of Elizabeth Habell in y^e time of her sickness, outt of y^e Towne's stock. 26—6—61.

The legacy of 60 £ given by Capt. Rob^t Keayne in his will, w^th y^e rent due of foure pounds p. annum was this day demaunded of Mr. Ed. Lane. 30—10—1661.

Itt is ordered that Mr. Petter Olliver is to joine with the deacons of the Church of Boston in the receiving of Capt Kean's legacye of one hundred and twenty pound given to the poore; And further hereby ordered to receive Mr. Webb's Legacie of one hundred pounds, with severall other gifts that are given for the erecting of an Allmshouse; being hereby authorized and impowered by the Selectmen of the Tow^n to agree and compound with severall workemen for stones, timber, &c. for the erecting and finnishing of the s^d Allmshouse. 31: 1mo. 62. Mr. Petter Olliver ordered to receive Capt Keans and Mr Webbs Legacies, &c. Order for the building of the Allmshouse.

Itt is ordered that Mr. Henry Shrimpton's legacie of fifty pound is to be layed out in the purchase of some land o^r house, as may bring in some annuall Rent; In the meane while the fifty pound to be lett out to some able persone as may allow consideration for it. The care hereof is comitted to the Towne Treasurer. 29—8—66.

In ord^r to an agreem^t made by a Committee & the Selectmen with Lt Richard Cooke & deacon John Wiswall, y^e 26^th of y^e 2^d m^o 1669, about y^e payment of a legacie given by Capt Rob^t Keayne to the towne, This day the said Cooke & Wiswall did assigne & make over to y^e select men for the towne's use the one halfe of the New House in Bostone, (next y^e old 28th—8th—1669. Lt Cooke & Deacon Wiswalls paymt of Capt Keaynes Legacie.

house) which was a p^te^ of Mr. Keayne's thirds, & secured to the Treasurer the payment of 148^£^ 6^s^ 8^d^ — one halfe thereof on y^e^ 28^th^ of March 1670, the other halfe y^e^ 28^th^ of March 1671.

The same day the Selectmen assigned over the sd Cooke & Wiswall's deed on assignm^t^ to Nicholas Page & his heirs forever, the sd halfe p^te^ of the new house, in consideration of one hundred & twentie pounds to be p^d^ by him to y^e^ treasurer for y^e^ use of y^e^ towne — Viz^e^ fortie pounds March 25^th^ 1670, fiftie pounds March 25^th^ 1671, & thirtie pounds March 25^th^ 1672, all in mony secured by g^d^ house, as apeares by his obligation.

Ordered y^t^ the Treasurer of the Towne, Mr. Thomas Brattle, from time to time, have care to relieve the poore of y^e^ towne accordinge to his best discretion.

15 November, 1675. Countrie Rate 2641^£^, 11^s^, for y^e^ Indian Warr.

Dec. 11, 1676. A list was given to Mr^s^ Elizabeth Lidget, relict & administratrix to y^e^ estate of Mr. Peter Lidget deceased, of severall poore people of this towne to be releived of out of a legacie of eightie pounds given to y^e^ poore of this towne by the last will & testam^t^ of y^e^ s^d^ Mr. Peter Lidget.

July 24, 1677. Fresh provision distributed among ye poore. Recd of Mr. Paul Dudley, to be distributed amonge those poore now residinge in Bostone, come from other p^tes^, impoverished by the warr, Two Barrells of wheate, one barrell of mault, twelve barrll of flowre, fifteene barrll of oatemeale, two ffirkins of butter, & 170 lbs of cheese — w^ch^ was accordinglie distributed.

29th Oct. 1677. Pte of Capt Davis' Legacie disposed of. Ordered that ffive pounds of Capt William Davis' legacie to the Towne be paid to the Deacons of the South Church Towards the releife of John Mac Daniell's children.

Dec. 18th, 1682. p. 149. At a publique meetinge of the Inhabitants of this towne upon lawfull Warninge to consider of rebuildinge of an Almeshouse & a Workehouse, the followinge declaration was read & the proposalls voted:

This towne beinge at exceedinge greate charge annually for the releife of the poore, & y^t^ ariseinge, not onely by y^e^ necessarie

supply of those y^t^ are sick, aged & incapacitated for labour, but alsoe for the releife of many persons y^t^ would work, and have not wherewithall to imploy themselves, and of many more persons & ffamilies y^t^ misspend theire time in idlenesse & tiplinge with greate neglect of theire callings, and suffer y^r^ children shamefully to spend their time in y^e^ streetes; a greate p^te^ of which charge (it's thought) might be prevented, were there a convenient workhouse erected & stocke provided for the imploym^t^ of such persons at y^e^ charge of y^e^ Towne, And Mr. Henry Webb haveinge given 100^£^ towards the buildinge of a house for the releife of y^e^ poore, with condition y^t^ sd house should be rebuilt in case it should be demolished by fire, or y^e^ like casualtie, which sume was expended in y^e^ Almeshouse which is burnt, & the sd sume now demaunded of y^e^ Towne, or y^t^ an edifice for y^t^ use be rebuilt, alsoe the Law requiringe y^e^ Selectmen to sett all idle P'sons to work, It is therefore propounded to the Towne,

1° That there be a work house provided in some convenient place in this towne, with convenience of Lodginge such P'sons as shall stand in need of Almes, & be sent thither to work.

2^d^ That there be a sum of mony raised to defray the charge of y^e^ buildinge, & to procure a convenient stocke & utensills to imploy P'sons y^t^ may work there.

3 That a Comittee be chosen to consider of y^e^ manner of the buildinge, for contrivance, & y^e^ place it shall stand in, and what stocke to lay in & how improved, & that accordinge to their advice & direction the whole may be perfected as soon as may be.

4. The three foregoinge proposalls were by three severall votes voted in the affirmative, And y^e^ Comittee chosen for y^t^ purpose, Mr Symond Linde, Mr. Richard Wharton, D^r^ Elisha Cooke, Cap^t^ John Faireweather & Mr. John Laffine, who by vote were to consult with the select men in all matters of moment of what is to be transacted.

Voted also that the sume to be raised by way of rate for the buildinge & stocke forementioned Shall not exceed a Thousand pounds, without further advice of y^e^ Towne, And that y^e^ fore- 1000 lb to be raised for an Almes & Worke house.

said Comittee joyne with the select men in makinge a rate for the premises.

March 9th, 16—[84] Rate to be made for ye Worke-house.[85] Voted at the publique meetinge of ye inhabitants, That whereas the workehouse is yet unfinished for want of effects in the Comittees hands, in regard that many that have subscribed theire ffree contribution towards it have not paid, and others have refused to contribute at all towards it; It is ordered that the Selectmen with the said Comittee be impowred to make a rate upon the Estates of them yt refuse to contribute at all, & put into the said rate the subscriptione of those yt have not paid, that soe ye worke may be ffinished.

May 14th, 1686. 329£ 13s rate for ye Alms house on warrant of above Comittee.

On the constables delaying or neglecting to collect the rate, the president and council were pleased to indorse the warrant, and answered favorably to the selectmens' motion to allow them to proceed to have the same levied.

This motion of the selectmen was "showinge that their Town's treasury is soe exhausted that they stand in need of a present supplie for the maintenance of the poore, mendinge the highwayes, finishing the Almshouse, and other necessary Towne occasions."

They show that according to former experience a rate of 600£ brings in about 340 or 350£.

Aug. 14th, 1686. By virtue of Order of Council, June 1686, a Town rate of 663£ 11s was committed to the constables, with special directions to distrain in case of non-payment.

Jan. 12th, 1686. Then receaved of John Learch the sume of Tenn pounds in mony, which is his guift towards a stocke to be laid out in the workhouse, to imploy the poore of this Towne and to be improved for that end and noe other, and for which he is to be allowed Ten shillings p. an. duringe his naturall life, (if demanded by him) and this recorded in the Towne booke at the request of the said Learch in the presence of Samuell Lowell Esqr, Mr. James Allen, Mr. Joshua Moody, Mr. John Faireweather, and Elisha Cooke Esqr.

Selectmen's petition presented to Governor & Councill; Feb. 25th, 1686.

Setting forth that the Towne is much impoverished "through the adversitie of y^e^ Indian warr, desolations by fire, and the failinge of trade, soe that the number of the poore is much increased, and, notwithstandinge some former essayes, as yet noe effectuall remedie is provided for rasinge the charge of the Towne by setting them to worke." . . . Asked for the appointment of a committee from the Councill "unto whome we may represent what we consider to be necessary for the well-orderinge & regulatinge of the affairs of this populous Towne, respectinge the poore, idle & disorderlie persons, with what else we may propose as conduceable to the good and welfare of the place."

This day was comited to the eight Constables of Bostone and Constable of Rumny Marsh by the selectmen, a Towne rate, made for the releife of the poore and other occasions of the Towne, amountinge to three hundred thirtie ffive pounds foure shillings three pence, to be paid in mony, and deliver'd to y^e^ severall selectmen by y^e^ respective Constables accordinge to warr^t^. Sept. 16. 1689.

[As to the first choice of Overseers of the Poor by the Town see p. 18]. March 9, 1690/91

Overseers of the Poore chosen by paper votes; Viz.,— Mr. Samuell Lynd, Lift; Samuell Checkley, Mr. Edmund Browne, Mr. William Robe. 169½ March 14.

At a meeting of the select men, Agreed with Robert Hawkins to oversee the affaires of the Almes House for five pounds mony for the first three monthes, to begin this day; 15 March 92/3

Then voted that there should be a Town rate made for the Poor and defraying of their necessary charges. Left to the Selectmen's Discretion. April 21, 1693.

Voted that there should be a Town rate made for the releif of the Poor & Defraying other Town charges, the sume to be left to the discretion of the selectmen. March 12th, 169¾.

Voted that selectmen take in the claimes of those that have anything due for the building of the Almes hous and return it March 9th, 169 5-6.

to the Next Town Meeting, and call all constables to an accompt of what was comitted to them to collect.

Decemr. 6th, 1697. At a publick Town meeting of the Inhabitants of Boston, Being Warned according to Law, an acct. being given by the Selectmen & Treasu[r], That there is wanting for the use of the Town & relief of the poor, Two Hundred pound; It was voted & granted by the Inhabitants then met that it should be raised forthwith.

APPROPRIATIONS FOR THE OVERSEERS OF THE POOR.

The following is a list of the annual appropriations for the Overseers of the Poor since the organization of the City Government to the year 1865–66, inclusive, for the successive financial years, commencing in May.

In 1862–63, the expenditures having largely increased, the subject was brought to the attention of the City Council. See City Docs. of 1863, Nos. 15, 55, 103. And in 1864 the Statute, re-organizing the Board, under which the Overseers now act, was passed: —

Appropriations.

1822–23,	$ 29,356 41	1833–34,	$ 8,929 86
1823–24,	30,868 89	1834–35,	12,606 25
1824–25,	20,709 29	1835–36,	12,916 50
1825–26,	10,208 46[1]	1836–37,	9,708 54
1826–27,	12,256 79	1837–38,	11,746 75
1827–28,	11,386 61	1838–39,	10,257 75
1828–29,	12,848 18	1839–40,	11,831 75
1829–30,	12,803 84	1840–41,	12,000 00
1830–31,	13,685 00	1841–42,	13,000 00
1831–32,	14,000 00	1842–43,	15,000 00
1832–33,	14,542 89	1843–44,	15,000 00

[1] For the first three years the appropriation included the amount required for the House of Industry. In the year 1825–26 separate appropriations were made.

1844–45,	$ 15,000 00	1855–56,	$ 45,000 00
1845–46,	15,700 00	1856–57,	49,300 00
1846–47,	16,500 00	1857–58,	62,800 00
1847–48,	21,000 00	1858–59,	58,000 00
1848–49,	24,500 00	1859–60,	60,000 00
1849–50,	24,500 00	1860–61,	69,400 00
1850–51,	30,200 00	1861–62,	70,200 00
1851–52,	28,200 00	1862–63,	90,140 88
1852–53,	27,700 00	1863–64,	39,000 00
1853–54,	30,000 00	1864–65,	41,000 00
1854–55,	40,000 00	1865–66,	44,500 00[1]

[1] This increase is mainly in consequence of recent legislation in regard to those who served in the army or navy during the late war.

ACTS OF 1866.

St. 1866, c. 172. *An Act to provide State aid for Disabled Soldiers and Sailors, and their families, and for the families of the Slain.*

SECTION.

1. Monthly pay by towns to certain soldiers and sailors disabled, &c.
2. To the widow, children, father or mother, of certain soldiers and sailors killed or who died of wounds, &c.
3. No aid to be given on account of wife married after passage of this act, nor to widow who marries again, nor for children over fourteen years of age, nor to persons convicted of crimes, &c. Aid only to persons residing in this state.
4. To be paid directly to persons entitled; not subject to trustee process, and not to be sold, &c.
5. Commission to decide questions respecting aid.
6. Towns to report annually particular account of aid furnished, &c. State to reimburse money to towns.

SECTION.

7. Towns to furnish information to other towns on demand, in certain cases.
8. Persons receiving aid under former law, to have none under this.
9. Applying for aid, to state certain facts. Blanks to be furnished towns.
10. Act to apply to wife, children, father or mother, in this state, of certain soldiers and sailors captured or missing, but not of deserters.
11. Towns may raise money for purposes of this act. When aid shall commence.
12. Residents of other states serving to credit of this state, to receive aid in certain cases.
13. Act to be in force till July 1, 1871.
14. When act takes effect.

Monthly pay by towns to certain soldiers and sailors disabled, &c. 1866, 282.

SECTION 1. The treasurers of cities and towns shall, under the direction of the city council, or selectmen thereof, pay monthly the sum of six dollars, from and after the first day of January in the year eighteen hundred and sixty-six, to any per-

son having a residence in said city or town, who has served in the army or navy of the United States, as an officer or as an enlisted or drafted man, to the credit of the state of Massachusetts, between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, and who is now residing within this state, and who is wholly or partially disabled by reason of wounds received in said service, or by sickness or disability contracted therein; or who, being at the time of his enlistment and now an inhabitant of this state, has served as aforesaid to the credit of any other state between the said nineteenth day of April and the eighteenth day of March in the year eighteen hundred and sixty-two, and who is wholly or partially disabled by reason of wounds received in said service, or by sickness or disability contracted therein, *provided*, that said person has an honorable discharge from said service by reason of wounds, or disability, or expiration of his term of service, or has been duly mustered out of said service, and does not receive aid from any other state, or from any other town under the provisions of this act. St. 1866, c. 172.

SECT. 2. The treasurers of cities and towns shall under the direction of the city council, or selectmen thereof, pay monthly, for a period not exceeding three years from and after the first day of January in the year eighteen hundred and sixty-six, to the widow, children, father or mother, being in necessitous circumstances, (having a residence in said city or town, and now residing in this state,) of any person upon whom they were dependent, who served in the army or navy of the United States as an officer, or as an enlisted or drafted man, to the credit of the state of Massachusetts, between the nineteenth day of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, and was killed or has died by reason of wounds or disease incurred in said service, or who, being at the time of his enlistment an inhabitant of this state, served as aforesaid to the credit of any other state between the said nineteenth day of April and the eighteenth day of March in the year eighteen hundred and sixty-two, and was

To the widow, children, father or mother, of certain soldiers and sailors killed, or who died of wounds, &c.

St. 1866, c. 172.

killed or has died by reason of wounds or disease incurred in said service, or to the wife, father, children or mother, being in necessitous circumstances, (living or having a residence in said city or town, and now residing in this state,) of any person upon whom they were dependent, who has served as aforesaid, who is wholly or partially disabled by reason of wounds received in said service, or by sickness or disability contracted therein, the sum of four dollars; *provided*, that the whole amount paid to the said relatives of one officer, soldier or sailor shall not exceed eight dollars per month, and provided that such wife, children, father or mother do not receive aid from any other state, or from any other town, under the provisions of this act.

No aid to be given on account of wife married after passage of this Act, nor to widow who marries again, nor for children over fourteen years of age, nor to persons convicted of crimes, &c.

SECT. 3. If a wounded or disabled officer, soldier or sailor, receiving aid under the first section of this act, shall marry after the passage of this act, no aid shall be paid on account of his wife. If the widow of any officer, soldier or sailor, receiving aid under the second section of this act, shall marry again, the aid shall be discontinued to her. No aid shall be paid on account of any children over fourteen years of age. If any person to whom the aid is paid shall be convicted of any criminal offence at common law, or under the statute of this commonwealth, said aid shall be discontinued to said person, unless or until the municipal authorities shall, in their discretion, otherwise determine. Aid, except as provided in section twelve of this act, shall be paid only to persons having a residence in some city or town in this commonwealth.

Aid only to persons residing in this State.

To be paid directly to persons entitled; not subject to trustee process, and not to be sold, &c.

SECT. 4. All aid furnished under the provisions of this act shall be solely for the benefit of the person for whom it is intended, and shall be paid to said person directly or upon his or her order; and it shall not be subject to trustee process nor assigned. And no transfer of said aid heretofore made shall be recognized in settlement of the same.

Commission to decide questions respecting aid.

SECT. 5. The auditor, the adjutant-general and the surgeon-general of the Commonwealth, shall constitute a commission to decide upon all questions which may arise in the payment of aid, between the municipal authorities and the persons claiming the aid; and in all cases their decision shall be final.

SECT. 6. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting forth the names of the officers, soldiers and sailors for the aid of whom and for the aid of whose families money has been applied as aforesaid, the name of the company and regiment and the name of the vessels in which such officers, soldiers and sailors respectively enlisted, and in which they last served, and the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such officers, soldiers or sailors; the sums paid to each of such persons, and the time when the same were paid; and such report shall be sworn to by a majority of the selectmen of such town, or by the mayor and a majority of the aldermen of such city; and after it has been examined and approved by said auditor, there shall be reimbursed annually, to said city or town, from the treasury of the Commonwealth, on or before the first day of December in the year in which the report is made, the amount legally paid as aforesaid, in accordance with the provisions of this act; but none of the expenses attending the payment of said aid shall be reimbursed. The auditor of the Commonwealth shall, before the first day of January in each year, furnish to the several cities and towns suitable blanks for the returns required by this section.

Towns to report annually particular account of aid furnished, &c. State to reimburse money to towns. St. 1866, c. 172.

SECT. 7. When applicants for aid have their residence in a city or town to which they are not credited, notice of their application shall be forthwith sent by such town to the place to which said applicants are credited; and if an answer to such notice, setting forth all the facts touching the application necessary to be known by the town to which application is made, is not sent by mail within seven days from the receipt of the same, the city or town in which such applicants reside may recover in an action of contract against the town or city so neglecting to answer, all such sums as they may advance to such applicants not reimbursed by the state.

Towns to furnish information to other towns on demand, in certain cases.

SECT. 8. Persons receiving aid under chapter two hundred

Persons receiving aid under

former law to have none under this. 1865, 232. St. 1866, c. 172.

and thirty-two of the acts of the year eighteen hundred and sixty-five, shall not be entitled to aid under this act; but when the aid ceases to be paid under said chapter two hundred and thirty-two, then such persons entitled under the provisions of this act shall receive the aid provided herein, from the date that payments to them ceased under the prior act.

Applying for aid, to state certain facts.

SECT. 9. Persons applying for aid under this act shall state, in writing, under oath, the age and residence of the party for whom such aid is claimed; the relation of the claimant to the party who rendered the service for which aid is claimed; the company and regiment or the vessel in which the officer, soldier or sailor enlisted, and that in which he last served; the date and place of such enlistment, when known; the duration of such service; and the reason upon which the claim for aid is founded. And it shall be the duty of the auditor to furnish, from time to time, to each city and town, a sufficient number of suitable blank forms for the use of applicants for aid under this act.

Blanks to be furnished towns.

Act to apply to wife, children, father or mother, in this State, of certain soldiers and sailors captured or missing, but not of deserters.

SECT. 10. The provisions of this act shall apply to the wife, children, father or mother (having a residence in some city or town of this commonwealth, and now residing therein,) of any person who served in the army or navy of the United States, between the nineteenth day of April eighteen hundred and sixty-one, and the first day of September eighteen hundred and sixty-five, as an officer or enlisted or drafted man, to the credit of the state of Massachusetts, and who appears on the rolls of his regiment or company, in the office of the adjutant-general, to be missing or to have been captured by the enemy, and who has not been exchanged, or has not returned from captivity, or who is not known to be alive: *provided*, that aid shall not be paid to the said relatives of such officer, soldier or sailor, if the municipal authorities have good and sufficient reasons to believe that he deserted from the service, or that he is still living and wilfully absent from his family, or if said relatives receive said aid from any other state, or from any other town under the provisions of this act.

Towns may raise money for purposes of

SECT. 11. Any town or city may raise money by taxation or otherwise, and, if necessary, apply the same for the purposes

set forth in this act; and all persons entitled to aid under the provisions of this act, who do not apply for the same within three months from the passage hereof, shall not receive said aid prior to the date of their application.

this Act.
When aid shall commence.
St. 1866, c. 172.

SECT. 12. Any person who has served in the army or navy of the United States, as an officer or enlisted or drafted man, to the credit of the state of Massachusetts, between the nineteenth of April in the year eighteen hundred and sixty-one, and the first day of September in the year eighteen hundred and sixty-five, and who resides in any other of the United States, and who at the time of enlistment had been a resident of the state during the month immediately preceding said enlistment, who is wholly or partially disabled by reason of wounds received in said service, or by sickness or disability contracted therein, may apply to the commission provided for in the fifth section of this act, and upon furnishing to said commission satisfactory evidence of his service as aforesaid in the army or navy, shall be entitled to receive the sum of six dollars per month from the treasury of the Commonwealth for the period of three years from the first day of January in the year eighteen hundred and sixty-six; *provided*, that said person has an honorable discharge from said service by reason of wounds or disability, or expiration of his time of service, or has been duly mustered out of said service, and does not receive aid from any other state. If any person entitled to receive aid under this section shall be convicted of any criminal offence at common law, or under the statutes of this commonwealth or of any other state, such aid shall be discontinued to said person, unless or until said commission shall in their discretion otherwise determine.

Residents of other states serving to credit of this state, to receive aid in certain cases.
See § 3.

SECT. 13. The operations of this act shall cease upon the first day of January in the year eighteen hundred and seventy-one.

Act to be in force till January 1, 1871.

SECT. 14. This act shall take effect upon its passage. [*April* 23, 1866.]

When Act take effect.

St. 1866, c. 198.

An Act to establish a State Workhouse.

SECTION.

1. State workhouse established in part of Bridgewater State Almshouse.
2. Master and inspectors, and their duties.
3. Board of state charities to have certain duties in relation to.
4. Expenses, receipts, and accounts of.
5. Removal of inmates to, from state almshouses and Rainsford Island Hospital. Punishment for escaping, &c., from.
6. Removal from reform, nautical, and industrial schools to state workhouse.
7. Trial justices to be designated to have jurisdiction under section five.
8. Fees of, and expenses of trial and removal of inmates.
9. Appropriation for alterations of Bridgewater almshouse.
10. Powers of cities and towns, &c., not affected.
11. When act takes effect.

State workhouse established in part of Bridgewater State Almshouse. G. S. 71, §§ 32–57.

SECTION 1. A state workhouse shall be established at Bridgewater. So much of the state almshouse there situate as in the judgment of the board of state charities is necessary shall be devoted to this purpose; such alterations may be made therein, and such additions be made thereto, as said board shall think advisable for the purpose of carrying into effect the provisions of this act.

Master and inspectors, and their duties. G. S. 71, §§ 32–35.

SECT. 2. The superintendent of said almshouse shall be master of the workhouse, appointing his assistants and fixing their compensation, subject to the approval of the board of inspectors of said almshouse, who shall be *ex officio* inspectors of the workhouse. The master shall make any and all rules for the government of said institution, to be approved by the governor and council, and shall have the management and control of said workhouse and its operations, and with the approval of said board of inspectors may make contracts for the labor of the inmates of said workhouse. The board of inspectors shall visit the workhouse once each month, and one of them shall visit the same each week; and said board shall annually, before the fifteenth of October, report the condition of said workhouse to the governor and council, and shall audit and approve all bills before payment of the same.

Board of State charities to have certain duties in relation to. G. S. 22. G. S. 71, §§ 32–57. G. S. 178, § 17. 1862, 189. 1863, 240. St. 1866, c. 198.

SECT. 3. The board of state charities shall have a general supervision of the workhouse; they shall have the same power of discharging persons therein confined for any cause, that the overseers of houses of correction have in those institutions: there shall also be vested in said board of state charities all the powers not herein given to the master and board of inspectors, which overseers of the poor have in relation to town workhouses.

Expenses, receipts, and accounts of. G. S. 71, §§ 54–57.

SECT. 4. The expenses of the workhouse shall be paid from the annual appropriation for the support of the state almshouse at Bridgewater: the receipts for the workhouse for labor shall be paid quarterly into the state treasury: separate accounts shall be kept of the expenses of the almshouse and workhouse departments.

Removal of inmates to, from State almshouses and Rainsford Island Hospital. G. S. 71, § 26–57 G. S. 165, § 28. 1863, 240.

SECT. 5. Any inmate of either of the state almshouses or of the Rainsford Island Hospital, who comes within any of the descriptions of persons contained in General Statutes, chapter one hundred and sixty-five, section twenty-eight, may, on conviction thereof before a trial justice or police court, be sentenced to said state workhouse for a term not less than six months nor more than three years: the complaint shall in such cases be made and prosecuted by the general agent of the board of state charities or some person under his direction, and on request of said board or its agent, the magistrate or court shall suspend the issue of a mittimus in any such case. Any person so sentenced, escaping or attempting to escape, may be pursued and reclaimed, and upon conviction thereof, shall be punished by confinement in the workhouse for not less than six months in addition to the previous sentence.

Punishment for escaping, &c., from.

Removal from reform, nautical and industrial schools. G. S. 75, 76. 1863, 240.

SECT. 6. On application of the trustees of the reform school for boys, of the nautical school, or of the industrial school for girls, the board of state charities may cause any inmate of either of said institutions, whom said trustees deem incorrigible or unfit subjects for said institutions, to be transferred with the mittimus to the state workhouse, the master of which is hereby authorized to hold such persons on said mittimus till the term of sentence expires.

Trial justices to be designated to have jurisdiction under section five. G. S. 120, §§ 33, 34. St. 1866, c. 198.

SECT. 7. His Excellency the governor is hereby authorized to designate and commission a suitable person to act as trial justice, from each of the towns of Bridgewater, Palmer and Tewksbury, or their immediate vicinity, who shall take cognizance of all complaints under the fifth section of this act, and any warrant or mittimus issued by said justices shall be served by a deputy constable of the Commonwealth whenever practicable.

Fees of, and expenses of trial and removal of inmates.

SECT. 8. The justices designated under section seven shall receive a fee of one dollar for each case brought before them, and no other fee or compensation whatsoever; and no person receiving a regular salary or compensation from the Commonwealth shall receive any additional pay for any services performed under this act. The expense attending the trial of an inmate of any state institution, as provided by this act, shall he paid from the appropriation, for said institution, and the cost of removing parties sentenced to the state workhouse shall be paid from the appropriation for the transportation of state paupers.

Appropriation for alterations of Bridgewater Almshouse.

SECT. 9. The sum of five thousand dollars is hereby appropriated for the necessary alterations in the state almshouse at Bridgewater, authorized by this act to be expended by the superintendent and inspectors in accordance with the provisions of the first section of this act, and the same shall be allowed and paid; and the said superintendent and inspectors shall be authorized to expend for the same purpose any surplus that may remain of the current expenses for the year one thousand eight hundred and sixty-six.

Powers of cities and towns, &c. not affected. G. S. 71, §§ 36, 37. 1865, 162, 230, § 2.

SECT. 10. Nothing contained in this act shall affect any powers or privileges heretofore granted to cities or towns, or the overseers of the poor thereof, by acts specially relating to the state almshouses, and the sending of state paupers thereto.

When Act takes effect.

SECT. 11. This act shall take effect upon its passage. [*April 30, 1866.*]

An Act to establish a State Primary School.

St. 1866, c. 209.

SECTION.

1. School for dependent and neglected children at Monson state almshouse established.
2. Charge and superintendence of; rules and regulations.
3. Officers of, and their pay.
4. Children from Bridgewater and Tewksbury almshouses to be transferred to.
5. How transferred.
6. Children from the state reform school may be transferred to, in certain cases.
7. Children in state primary school to be found places elsewhere, and not to be received, &c., above age of sixteen years.
8. Board of state charities and inspectors to have certain powers, &c.
9. Appropriations for, and expenses of, &c.
10. When act takes effect.

SECTION 1. There shall be established at the state almshouse in Monson a state school for dependent and neglected children, which shall be known as the State Primary School. So much of the land and buildings belonging to the state almshouse as in the judgment of the board of state charities shall be necessary, shall be used for the purposes of the school, and the remainder shall be used for the purposes of a state almshouse. There shall be received as pupils such children as are now maintained and instructed in the state almshouses; and such children shall be maintained, taught, exercised, and employed, as their health and condition shall require, but they shall not be considered as inmates of the almshouse, nor allowed to mingle with the inmates, nor shall they be designated as paupers.

School for dependent and neglected children at Monson State Almshouse established. G. S. 71, §§ 32–57.

SECT. 2. Said school shall be under the charge of the superintendent and inspectors of the state almshouse at Monson, who shall prepare rules and regulations for the government of the school and the general management of its affairs; and such rules and regulations, when approved by the governor and council, and placed on record in the office of the secretary of the Commonwealth, shall be and remain in force, until altered or amended with the approval of the governor and council.

Charge and superintendence of.

Rules and regulations.

SECT. 3. All needful officers for said school shall be

Officers of school, and their pay.

St. 1866, c. 209.

appointed and their compensation fixed by the superintendent, subject to the approval of the inspectors.

Children from Bridgewater and Tewksbury Almshouses to be transferred to.
G. S. 71, §§ 32-57.
G. S. 165, § 28.

SECT. 4. For the purpose of instruction and employment there shall be transferred to the state primary school from the state almshouses at Tewksbury and Bridgewater, from time to time, all such children as are of suitable condition of body and mind to receive instruction, and at the same time are likely to continue for a period of six months under the care of the state; and especially such as are orphans, or have been abandoned by their parents, or whose parents have been convicted of crime, or come within any of the descriptions of persons contained in the General Statutes, chapter one hundred and sixty-five, section twenty-eight.

How transferred.
1863, 240.

SECT. 5. Such transfers of children shall be made by the board of state charities, who shall have full power to make such other transfers of children as they may deem necessary, from the state almshouses; and the power of admission and discharge shall be vested in the said board of state charities, together with the other powers now vested in said board in relation to state paupers in almshouses and hospitals.

Children from the State Reform School may be transferred to, in certain cases.
G. S. 76.
1863, 240.

SECT. 6. It shall be the duty of the board of state charities, upon consultation with the trustees of the state reform school at Westborough, as often as once in three months, to examine into the sentences and the conduct of the pupils in that institution; and when they shall find pupils there residing who have been committed for trivial offences, and do not appear to be depraved in character, or to need the restraints of imprisonment, the board of state charities shall furnish lists of such pupils to the governor, who may, under his warrant, direct the removal of such children to the state primary school at Monson, and such removal shall suspend their sentence of confinement at Westborough, during the good behaviour of such pupils.

Children in, to be found places elsewhere, and not to be received, &c., above age of sixteen years.
1863, 240.

SECT. 7. No child above the age of sixteen years shall be received or retained in the state primary school, except by special vote of the board of state charities, on the representation of the superintendent that there are urgent reasons for such admission or retention; but it shall be the duty of the

superintendent, inspectors, and other officers to use all diligence to provide suitable places in good families for all such pupils as have received an elementary education; and any other pupils may be placed in good families, on condition that their education shall be provided for in the public schools of the town or city where they may reside. St. 1866, c. 209.

SECT. 8. Except as already limited in this act, the board of state charities and the inspectors of the state almshouse at Monson shall have and exercise all the powers, and be subject to all the duties, in regard to the pupils of the state primary school, which now belong to or may hereafter be given to them in regard to the inmates of the state almshouse at Monson; and nothing contained in this act shall affect any powers or privileges heretofore granted to cities or towns, or the overseers of the poor thereof, by acts specially relating to the state almshouses, and the sending of state paupers thereto. Board of State charities and inspectors to have certain powers, &c. G. S. 71, §§ 32-37. 1863, 240.

SECT. 9. The sum of two thousand dollars is hereby appropriated for the necessary changes in the buildings at Monson, which shall be expended under the direction of the superintendent and inspectors. The expenses of the school shall be paid from the appropriation for the expenses of the almshouse, and no officer now receiving a salary from the Commonwealth shall be entitled to any increase of salary in consequence of this act; but such officers and employees as the superintendent and inspectors shall designate, shall be employed te perform services both in the school and in the almshouse. Appropriations for, and expenses of, &c. G. S. 71, §§ 32-57.

SECT. 10. This act shall take effect upon its passage. [*May* 3, 1866.] When Act takes effect.

An Act relative to State Paupers.

St. 1866, c. 234.

SECTION.

1. State pauper, husband of town pauper, to be supported in town of wife's settlement and with her.
2. Expense of such support, now paid &c.
3. Repeal of 1861, 94.
4. When act takes effect.

SECTION 1. When the operation of any provisions of law in relation to poor and indigent persons might cause a separa- State pauper, husband of town pauper, to

be supported in town of wife's settlement, and with her. G. S. 71, § 43. St. 1866, c. 234.

tion of husband and wife, by reason of the wife having a legal settlement in some place in the Commonwealth, the husband being a state pauper, both parties shall be supported by the place where the wife has a legal settlement.

Expense of such support, how paid, &c. G. S. 74, § 44.

SECT. 2. The expense of thus supporting the person who is such state pauper shall be paid by the Commonwealth, reference being had to the expense of supporting such person at the state almshouse, if there committed.

Repeal of 1861, 94.

SECT. 3. Chapter ninety-four of the acts of the year eighteen hundred and sixty-one is hereby repealed.

When Act takes effect.

SECT. 4. This act shall take effect upon its passage. [*May* 15, 1866.]

St. 1866, c. 272.

An Act in relation to State and other Paupers.

SECTION.	SECTION.
1. Parties bringing paupers into state liable for their support in certain cases.	2. Corporations bringing in foreigners to labor to give bond for their support.

Parties bringing paupers into State liable for their support in certain cases. G. S. 71, §§ 4, 25. 1863, 240, § 6.

SECTION 1. The provisions of sections four and twenty-five of chapter seventy-one of the General Statutes are hereby extended and made applicable to any corporation or party by whose means any person not having a settlement in this commonwealth is brought into the state.

Corporations bringing in foreigners to labor to give bond for their support. G. S. 71. 1863, 240, § 6.

SECT. 2. Any corporation which brings into this commonwealth, or by whose means or at whose instigation any person is brought into the same, for the purpose of performing labor for such corporation, if such person has no settlement in this commonwealth, shall give a bond to the Commonwealth, to be delivered to the superintendent of alien passengers, in a sum of three hundred dollars, conditioned that neither such person nor any one legally dependent on such person for support, shall within two years become a city, town, or state charge. [*May* 28, 1866.]

An Act in addition to "An Act to provide State aid for disabled soldiers and sailors and their families, and for the families of the slain." St. 1866, c. 282.

SECTION.

1. Surgeon-general may appoint surgeons to examine persons claiming state aid as disabled soldiers. Certificates of such surgeons to be conclusive, &c.
2. Fee for examination.
3. Penalty for corruptly making false certificate.
4. Appeal from surgeon to commission.
5. Provisions of former act extended.
6. When act takes effect.

SECTION 1. The surgeon-general, under the direction and subject to the approval of the governor, is authorized to designate surgeons, in such places and in such numbers as he may find expedient, from time to time, and in like manner to vacate their appointments, who shall be authorized to examine all persons claiming to be disabled soldiers entitled to state aid under the one hundred and seventy-second chapter of the acts of the year eighteen hundred and sixty-six, whose certificates of disability being received and acted upon in good faith by the cities and towns, shall, as to the fact of disability, be conclusive on the Commonwealth; and said certificates, which shall state particulars in relation to such disability, agreeably to a form to be prescribed by the surgeon-general, shall be returned to the state auditor, with the acounts for such aid as shall be paid thereon.

Surgeon-General may appoint surgeons to examine persons claiming State aid as disabled soldiers. 1866, 172.

Certificates of such surgeons to be conclusive, &c.

SECT. 2. The fee to be received by such surgeons shall in no case exceed one dollar; and the surgeon-general may establish a less fee, or a scale of fees, by official regulation.

Fee for examination.

SECT. 3. Any surgeon so designated who shall wilfully and corruptly make any false certificate concerning the disability of any such person, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars.

Penalty for corruptly making false certificate.

SECT. 4. Nothing herein contained shall affect the right of appeal to the commission constituted by the fifth section of the

Appeal from surgeon to commission.

St. 1866, c. 282. the one hundred and seventy-second chapter of the acts of the year eighteen hundred and sixty-six.

Provisions of former Act extended. 1866, 172.

SECT. 5. The provisions of chapter one hundred and seventy-two of the acts of eighteen hundred and sixty-six, so far as they are applicable, shall apply to the widow, and children under fourteen years of age, (now residing without this state,) of any officer, soldier, or sailor, who served in the army or navy of the United States, to the credit of the state of Massachusetts, between the nineteenth day of April, eighteen hundred and sixty-one, and the first day of September, eighteen hundred and sixty-five, and who died in said service, or who has since died by reason of wounds received or disease contracted while in said service; *provided*, that said soldier had been a resident of this state during the two months immediately preceding his enlistment; and provided that said widow and children are in necessitous circumstances. The aid hereby provided, shall be paid as provided in section twelve of chapter one hundred and seventy-two of the acts of eighteen hundred and sixty-six.

When Act takes effect.

SECT. 6. This act shall take effect upon its passage. [*May* 29, 1866.]

St. 1866, c. 283. *An Act concerning the Care and Education of neglected Children.*

SECTION.

1. Towns may make provisions for care, &c., of neglected children under age of sixteen years.
2. May appoint persons to make complaints.
3. Children under sixteen years old, growing up without education, &c., may be committed to institutions, &c.
4. May be discharged when parents or others can or will properly take care of them.
5. Former act not to apply to Boston.

Towns may make provisions for care, &c., of neglected children under age of sixteen years. G. S. 12. 1862, 21, 207. 1863, 44, 128. 1865, 208.

SECTION 1. Each of the several cities and towns in this commonwealth is hereby authorized and empowered to make all needful provisions and arrangements concerning children under sixteen years of age, who, by reason of the neglect, crime, drunkenness or other vices of parents, or from orphanage, are suffered to be growing up without salutary parental control and

education, or in circumstances exposing them to lead idle and dissolute lives; and may also make all such by-laws and ordinances respecting such children, as shall be deemed most conducive to their welfare and the good order of such city or town; *provided*, that said by-laws and ordinances shall be approved by the supreme judicial court, or any two justices thereof, and shall not be repugnant to the laws of the Commonwealth. St, 1866, c. 283.

SECT. 2. The mayor and aldermen of cities and the selectmen of towns availing themselves of the provisions of this act, shall severally appoint suitable persons to make complaints in case of violations of such ordinances or by-laws as may be adopted, who alone shall be authorized to make complaints under the authority of this act. May appoint persons to make complaints.

SECT. 3. When it shall be proved to any judge of the superior court, or judge or justice of a municipal or police court, or to any trial justice, that any child under sixteen years of age, by reason of orphanage, or of the neglect, crime, drunkenness, or other vice of parents, is growing up without education or salutary control, and in circumstances exposing said child to an idle and dissolute life, any judge or justice aforesaid, shall have power to order said child to such institution of instruction or other place that may be assigned for the purpose, as provided in this act, by the authorities of the city or town in which such child may reside, for such term of time as said judge or justice may deem expedient, not extending beyond the age of twenty-one years for males, or eighteen years for females, to be there kept, educated and cared for according to law. Children under sixteen years old, growing up without education, &c. may be committed to institutions, &c.

SECT. 4. Whenever it shall be satisfactorily proved that the parents of any child committed under the provisions of this act, shall have reformed and are leading orderly and industrious lives, and are in a condition to exercise salutary parental control over their children, and to provide them with proper education and employment; or, whenever said parents being dead, any person may offer to make suitable provision for the care, nurture, and education of such child as will conduce to the public welfare, and will give satisfactory security for the performance of the same, then the directors, trustees, overseers, Children may be discharged when parents or others can or will properly take care of them.

St. 1866, c. 283. or other board having charge of the institution to which such child may be committed, may discharge said child to the parents or to the party making provision for the care of the child as aforesaid.

Former Act not to apply to Boston. 1862, 207. 1863, 44.

SECT. 5. Chapter two hundred and seven of the acts of the year eighteen hundred and sixty-two, shall not apply to, nor have effect within the city of Boston after the passage of this act. [*May* 29, 1856.]

St. 1866, c. 288. *An Act to define Chapter Two Hundred and Thirty of the Acts of the year Eighteen Hundred and Sixty-five, relative to the Laws of Settlement.*

SECTION.

1. Settlement acquired by military service without a continuous service of one year.

SECTION.

2. When act takes effect.

Settlement acquired by military service without a continuous service of one year. G. S. 69, 70. G. S. 71, § 49. 1865, 230, § 1.

SECTION 1. Section one of chapter two hundred and thirty of the acts of eighteen hundred and sixty-five shall not be construed to require a continuous service of one year.

When Act takes effect.

SECT. 2. This act shall take effect upon its passage. [*May* 29, 1866.]

St. 1866, c. 292. *An Act concerning Alien Passengers on Vessels coming from without the United States.*

SECTION.

1. Provisions respecting alien passengers.
2. Actions under pauper and bastardy laws may be served by state constables.

SECTION.

Provisions respecting alien passengers. G. S. 71, §§ 12, 14. 1863, 240, § 6.

SECTION 1. The provisions of section twelve and fourteen of chapter seventy-one of the General Statutes, shall apply to all vessels arriving at any port of this commonwealth from any port or place without the limits of the United States, or which

shall have stopped at any such port or place during their voyages. St. 1866, c. 292.

SECT. 2. In all actions brought by or on account of alien passengers and state paupers under the provisions of chapters seventy-one and seventy-two of the General Statutes, the civil process may be served by the constable of the Commonwealth or any one of his deputies. [*May* 30, 1866.] Actions under pauper and bastardy laws may be served by State constables. G. S. 71, 72. 1865, 240.

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ERRATA.

On page 42, transfer last marginal note to § 39.
100, n., line 8, *dele* "8 & 9, Geo. II., c. 3."
" " " 10, " from "same" to "by" inclusive, and read "provisions of any one are not modified by the."
On page 167, line 45, for "Rouges" read "Rogues."
171, " 26, " "persens" read "persons."
174, " 3, " "Passangers" read "Passengers."
182, at top, " "City Documents" read "Statutes."
212, line 8, " "1856" read "1866."

Section 25 of chapter 71, of the General Statutes, which appears to have been omitted in the Laws and Ordinances of 1863, is as follows: —

"If a foreigner brought into this State in the manner specified in section four, [by any conveyance by land, or by any lines of communication established for the regular transportation of passengers by water, not extending beyond or stopping at places without the United States,] falls sick, or from any cause becomes a public charge within one year thereafter, the Commonwealth, or any place incurring expenses for his support, sickness, or burial, may in an action of contract recover the amount of such expenses of the corporation or party by whose means the person was brought into the State: *provided*, that the party so liable shall be notified of his liability in each case, as soon as practicable, in order that such party may if so disposed provide means of support or removal."

Insert the following Acts in regard to aid to the families of Volunteers and Seamen, &c., in their appropriate places: —

St. 1861, c. 222.	May 23, 1861.	Sup. to G. S. 87.
St. 1862, c. 66.	March 18, 1862.	Ib. 102.
St. 1862, c. 151.	April 26, 1862.	Ib. 127.
St. 1862, c. 166.	April 29, 1862.	Ib. 134.

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